



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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June 17, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

DEPARTMENT OF PUBLIC WORKS: ADOPT A COUNTY POLICY FOR DESIGN-BUILD PROJECT DELIVERY (ALL DISTRICTS) (3 VOTES)

SUBJECT

Approval of the recommended actions will put in place the policy and mechanism for the County to use design-build as an alternative delivery method for capital projects.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the County of Los Angeles' use of design-build contracting authority as an option for applicable County construction projects in excess of \$2,500,000, as provided for under Public Contract Code Section 20133, and adopt the County's design-build policy.
2. Delegate to the Acting Director of Public Works the authority to use design-build as an option for delivering applicable County construction projects; to implement the design-build policy by establishing procedures for the use of design-build on individual projects; and to prepare, issue, and amend requests for proposals that will include prequalification questionnaires, evaluation criteria and methodologies, scoping documents, and final design-builder selection procedures.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

3. Direct the Chief Executive Officer to develop a labor compliance program to be used for capital projects being delivered using the design-build process as required by Public Contract Code Section 20133 and to return to your Board with recommendations regarding the implementation of the program.
4. Direct the Acting Director of Public Works to prepare and submit to the State Legislative Analyst's office before December 1, 2009, a report containing a description of each public works project procured through the design-build process through November 1, 2009, which includes all of the information specified in Public Contract Code Section 20133.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Until January 2006, under the State Public Contract Code, the County was limited to performing capital projects by use of the design-bid-build delivery method, with the additional option of job order contracting for projects involving repair, remodeling, or other repetitive work. In January 2006, the State Legislature added the County of Los Angeles to an increasing number of public agencies in California that are authorized to use design-build as an alternative method to deliver applicable capital projects of over \$2,500,000. Design-build can be used for the construction of County buildings and County sanitation waste water facilities, but it cannot be used for other infrastructure, including streets and highways, public rail transit, or water resource facilities. Potentially, design-build may afford a more collaborative approach for project delivery, including providing benefits, such as reducing project cost, expediting project completion, or providing design features not achievable through the design-bid-build process. In addition, design-build may yield cost efficiencies by shifting certain liability and risk for cost containment and project completion to the design-builder.

The purpose of the recommended actions is to authorize the use of design-build contracting and to establish a policy for its use as an option for delivering capital projects in addition to traditional design-bid-build and job order contracting. The policy for design-build contracting is included as Attachment A.

Under the traditional design-bid-build contracting method, the County initially retains an architectural/engineering specialist to prepare design plans and specifications, which the County then adopts and advertises. Thereafter, the County awards a construction contract to the contractor submitting the lowest responsible bid to perform the construction work.

By contrast, design-build means a procurement process in which both the design and the construction of a project are procured from a single entity. Under Public Contract Code Section 20133, the County's selection of a design-builder may be based on either low bid or best value. The statute provides that if the selection is based on best value, then the evaluation must be based, at a minimum, on five factors, including price, technical design and construction expertise, life-cycle costs over 15 years or more, skilled labor force availability, and acceptable safety record. At present, the Department of Public Works (Public Works) envisions that Requests for Proposals (RFPs) for design-build projects will generally specify that the selection of design-builders will be based on best value, but it is possible that award to the lowest responsible bidder could be used in an appropriate case.

Public Works has developed the required standard documents and processes for implementing design-build contracting, including a generic RFP, a prequalification questionnaire, evaluation criteria and methodology, and a design-builder selection procedure. A standard design-build contract is also being developed in consultation with County Counsel. The generic design-build RFP is included as Attachment B.

As required by the legislation, Public Works consulted with the construction industry, including representatives of the building trades and the surety industry, during the preparation of the questionnaire. Public Works plans to conduct additional outreach with the industry in the near future to assure that we are implementing the best practices in the industry.

Public Works will provide training for County stakeholders participating in delivering capital projects using the design-build process.

The process to procure a design-builder for a project includes the following:

- Public Works will cause a program or project scoping documents and performance specifications to be prepared by duly licensed architectural/engineering professionals employed or retained by the County, and Public Works will issue an RFP.
- As the first step of the RFP process, Public Works will prequalify design-build entities using a standardized questionnaire, which requires information concerning (among other things) the business type and ownership of the design-build entity, evidence that the design-build entity has experience and the capacity to perform projects of similar size and complexity, licenses, registration and credentials, the capacity to obtain payment and performance bonding, liability insurance, errors and omissions insurance, violations of State and Federal labor codes and safety regulations, debarment, default,

bankruptcy, lawsuits on a public works project in the preceding five years, and other relevant criteria. As a follow-on to the prequalification step, Public Works may (as discussed further below in this Board letter) also provide for a "shortlisting" of the prequalified proposers; that is limit the number of prequalified proposers that are invited to submit price and technical proposals and participate in the RFP competition.

- As the second step of the RFP process, Public Works will solicit the submission of competitive technical and cost proposals by the invited prequalified proposers. The RFP will describe the significant factors that will be used in evaluating the proposals and the relative importance and weight assigned to each factor.
- Public Works will evaluate the design-builder proposals and then recommend to your Board award of a design-build contract, using a competition based upon either best value or award to the lowest responsible bidder. Under Public Contract Code Section 20133, a best value selection must have the following factors representing at least 10 percent of the total for each: price, technical design and construction expertise, life cycle costs over 15 years or more, skilled labor force availability, and acceptable safety record.

In evaluating options for delivering any project, Public Works will consider all available delivery methods to ascertain which contracting method best enables the County to meet the project goals and objectives. Once the parameters of the proposed project have been defined, such as the preliminary schedule, budget estimate, and delivery method, Public Works will select the most appropriate project delivery method with input from the Chief Executive Office (CEO) and the tenant department.

Following preparation of the scoping documents for a design-build project, a two-part RFP will be prepared and issued.

The first part of the RFP will require submission of responses to the standardized prequalification questionnaire. In order to be prequalified, the proposer will be required to pass all pass/fail questions, if any, and will be required to score no less than a predetermined aggregate qualifying score on the evaluated questions. For some projects, the RFP may specify that there will be a "shortlisting" of prequalified proposers, meaning that only a limited and predefined number of the highest-scoring, prequalified proposers will be invited to submit technical and cost proposals. Shortlisting is a common industry practice in design-build contracting and tends to encourage highly qualified firms to participate in the process, with the common understanding that the ultimate number of invited proposers will be limited based on

scoring during prequalification, before the firms must commit substantial resources to prepare cost and technical proposals.

The second part of the RFP will require submission of technical and cost proposals. After scoring the technical and cost proposals, Public Works will rank the top three responsive proposers sequentially from most advantageous to the least and will then return to your Board with a recommendation regarding award of the design-build contract to the most advantageous proposer. The recommendation will indicate the basis for the recommended award and will identify the names of the second and third ranked entities. When specified in the RFP, the County may hold discussions or negotiations with responsive proposers before final scoring and rank is determined. When specified in the RFP, further negotiations may also be allowed with the most advantageous bidder after it has been identified.

For complex or large projects where a substantial level of design effort is required by the proposing teams, the County may consider the use of stipends in recognition of the cost of preparing proposals for the benefit of the County. If it is determined that stipends add value to the County, then the amount of stipends and their distribution would be specified in the RFP and only be paid to prequalified, but unsuccessful proposers, meeting the criteria.

Public Contract Code Section 20133 requires that if the Board of Supervisors elects to proceed with design-build contracting, it must establish and enforce for design-build projects a labor compliance program (LCP) containing the requirements outlined in Section 1771.5 of the Labor Code. An LCP for County design-build projects was submitted to the California Department of Industrial Relations and approved on March 4, 2008. This was fashioned after the County's LCP for Proposition 50 Water Bond projects, which was previously approved by the California Department of Industrial Relations. An LCP is not required for projects where the County or the design-builder has entered into any collective bargaining agreements binding all of the contractors performing work on the projects. If authorized by your Board, the CEO will evaluate the LCP and return to your Board with recommendations for its implementation.

Public Contract Code Section 20133 also requires each County that uses design-build under the section to submit a report to the Legislative Analyst's Office before December 1, 2009. The report in general will contain a description of each project procured through the design-build process and completed before November 1, 2009. The report will include information, such as type of project, square footage, name of the design-build entity awarded the project, the estimated and actual length of time to complete the project, the estimated and actual project costs, and a description of any protests. The report will also include assessments of various aspects of the design-build program required by the statute to assist the Legislative Analyst's Office in evaluating the usefulness of the design-build legislature. Public Works will prepare and submit the report on behalf of the County.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Organizational Effectiveness (Goal 3) and Fiscal Responsibility (Goal 4). Use of design-build as a delivery method for capital projects promotes these goals by providing a single contract for design and construction, whereby certain liability for design errors and omissions and responsibility for cost containment and project completion are shifted to the design-builder.

FISCAL IMPACT/FINANCING

Every project will be evaluated on a case-by-case basis to assess any fiscal impacts, including the implementation of the LCP. All costs will be funded by the specific capital project budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Unless additional action is taken by the State Legislature, the County's authority to use design-build contracting will expire on January 1, 2011.

ENVIRONMENTAL DOCUMENTATION

Approving the recommended actions does not constitute a project under the California Environmental Quality Act (CEQA) and will have no environmental impact. Environmental documentation will be prepared and presented to your Board for approval for each project in accordance with CEQA requirements.

CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Not applicable.

The Honorable Board of Supervisors
June 17, 2008
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CONCLUSION

Please return one adopted, stamped copy of this letter to the Chief Executive Office (Capital Projects Division), and one to the Department of Public Works (Project Management Divisions I and II).

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:DDE:DL
JSE:DJT:DKW:zu

Attachments

c: Auditor-Controller
County Counsel
Department of Public Works



DESIGN-BUILD POLICY

June 17, 2008

COUNTY OF LOS ANGELES
POLICY FOR DESIGN-BUILD PROJECT DELIVERY

PURPOSE

Under Public Contract Code Section 20133, as amended by the California Legislature in January 2006, the County of Los Angeles with the approval of the Board of Supervisors, may utilize an alternative, design-build procedure for bidding on specified construction projects in excess of \$2.5 million and may award the project using either the lowest responsible bidder or best value. The purpose of this policy is to establish parameters for the County of Los Angeles' use of design-build to deliver capital projects.

GOALS AND OBJECTIVES

The County of Los Angeles seeks to enhance the delivery of building construction projects by adding design-build as an alternative method for project delivery, and where applicable, to use the benefits inherent in design-build to better serve the people of the County.

The Public Contract Code provides that utilizing a design-build contract requires a clear understanding of the roles and responsibilities of each participant in the design-build process. Potentially, design-build affords a more collaborative approach for project delivery, which may provide benefits, such as reducing project cost, expediting project completion, or providing design features, not achievable through the design-bid-build process. In addition, design-build may yield cost efficiencies by shifting certain liability and risk for cost containment and project completion to the design-builder (DB).

Design-build procurement permits selection of a team of building professionals based on either best value or the lowest responsible bidder. Determination of best value can be established on objective criteria related to factors such as:

1. The qualifications and expertise of the design-build team
2. The relative merits of a range of building design solutions in terms of features and function for a particular project
3. Availability of skilled labor force and acceptable safety record
4. Project price
5. Life-cycle costs over 15 years or more

ADMINISTRATION

The Chief Executive Office (CEO) will work with the tenant departments to develop the needs for the proposed project(s). The feasibility analysis and related project schedule will be assessed by the Department of Public Works (Public Works) to determine whether design-build is the appropriate delivery method for the project.

Public Works will establish a procedure to prequalify design-build entities primarily using a standard questionnaire developed by the County. Public Works will coordinate the review of the completed prequalification questionnaires. In order to be prequalified, the proposer will be required to pass all pass/fail questions, if any, and will be required to score no less than a predetermined aggregate qualifying score on the evaluated questions. For some projects, the Request for Proposals (RFPs) may specify that there will be a "shortlisting" of prequalified proposers, meaning that only a limited and predefined number of the highest-scoring, prequalified proposers will be invited to submit technical and cost proposals. Only technical proposals and accompanying cost proposals received from the invited prequalified DBs will be accepted and reviewed.

Public Works may hold discussions or negotiations with responsive proposers and, upon completion of the proposal review process, may negotiate with the highest ranked DB to finalize the terms of the proposal and contract. Public Works will specify in the RFP applicable rules and procedures to be observed by the County to ensure that any such discussions or negotiations are conducted in good faith. Once evaluation is complete, the top three bidders will be ranked sequentially from the most advantageous to the least advantageous. Public Works will make recommendations to the Board of Supervisors regarding award of the design-build contract to the responsible bidder whose proposal is determined, in writing, to be the most advantageous.

Documentation and information submitted by DBs, in response to the RFP, that is exempt from disclosure under the Public Records Act will not become a public record; however, non-exempt information and documentation, upon request, will be subject to disclosure as public records at the appropriate time in accordance with County policy and applicable law.

IMPLEMENTATION

Upon receipt of a feasibility analysis that includes an outline of the scope of work for a proposed project, Public Works will evaluate the information and prepare a preliminary project schedule and budget. In evaluating options for delivering the project, Public Works will consider all available delivery methods to ascertain which method best enables the County to meet the project goals and objectives.

Should design-build be deemed the best available method to deliver the project, Public Works will engage the services of an architect/engineer to serve as the scoping professional to prepare project scoping documents. Scoping documents may vary between projects, but will generally include a program, performance specifications, and

some level of plans that describe the project schematically. A project specific RFP will be developed establishing the requirements for submission of the DB prequalification questionnaire (Part A) and technical/cost proposal (Part B). It will also establish the evaluation and scoring criteria.

Part A – Prequalification Questionnaire

An evaluation committee, assembled by Public Works, will prequalify DBs. The evaluation will be based on a prequalification procedure established by Public Works using standard prequalification questionnaire and criteria. In preparing the standard questionnaire, the County will consult with the construction industry, including representatives of the building trades, and surety industry. The questionnaire shall include, at a minimum, all of the following:

1. Information on the business relationship of the DB team members, including a list of all then-known partners, general partners, or association members known at the time who will participate in the design-build contract, including, but not limited to, mechanical subcontractors.
2. Evidence that members of the DB entity has completed or demonstrated the experience, competency, and capability to complete projects of similar size, scope, complexity, and schedule, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project. The DB entity must also provide a financial statement assuring that the design-build entity has the capacity to complete the project.
3. Information on the history and status of required licenses, credentials, and registrations, including information on the revocation or suspension of same.
4. Evidence that establishes that the DB entity has the capacity to obtain required payment and performance bonding, liability insurance, and errors and omissions insurance.
5. Records on any past serious or willful violation of State and Federal occupational safety and health acts assessed against or settled with any member of the DB entity, and information concerning workers' compensation experience history and worker safety program.
6. Information concerning any debarments, removal, or disqualification from any Federal, State, or local government public works project, or findings that the DB or its members who submitted a bid on a public works project or key personnel were found to be not responsible.
7. Information detailing any instance where the DB entity or its owners, officers, members of the DB entity, or managing employees have defaulted on construction contracts.
8. Information detailing any instance where principal team members have violated contractor state licensing laws.
9. Information related to any member of the DB entity bankruptcies, including information concerning any work completed by a surety.

10. Information concerning judgment or settlement of claims between a member of the DB entity and owners of public works projects in excess of \$50,000 in the preceding 5 years.
11. A copy of the document creating the legal DB entity or in the case of a partnership or other association that is not a legal entity, a copy of the agreement creating the partnership or association and specifying that all partners or association members agree to be fully liable for the performance under the design-build contract.

The information required as part of the prequalification questionnaire must be verified under oath. Information provided that is not a public record under the California Public Records Act shall not be open to public inspection.

Part B – Technical and Cost Proposal

Technical and cost proposals in response to the RFP may only be received or evaluated from invited prequalified DBs. Public Works will evaluate and score proposals in accordance with the requirements and evaluation criteria stated in the RFP. Public Contract Code Section 20133 allows for design-build selection to be based on either low bid or best value. If best value is declared to be the basis of selection in the RFP, then the evaluation and scoring of proposals shall be based, at a minimum, on the following factors, each representing at least 10 percent of the total weight given to all criteria factors:

1. Price
2. Technical design and construction expertise
3. Life-cycle costs of the materials, systems, and equipment over 15 years or more
4. Skilled labor force availability
5. Acceptable safety record

Upon completion of the technical evaluations, the cost proposals will be opened and the scores added to those of the technical proposals in accordance with a predetermined formula. If revised proposals have been requested, their scores will be considered to establish the final score. Once the evaluation is complete, the top three responsive bidders will be ranked sequentially from the most advantageous to the least based on the final score. When specified in the RFP, the County may hold discussions or negotiations with responsive bidders before final scoring and rank are determined.

Public Works may negotiate with the highest ranked DB to:

1. Make any adjustments to the proposed schedule
2. Reconcile the schedule of values with the design and construction schedules
3. Refine project scope

After negotiation, Public Works will make recommendations to the Board regarding award of the design-build contract and notify proposers of the actions taken. As with any other contract procurement process, the County reserves the right to not award a

contract in its sole discretion, and the decision regarding contract award rests solely with the Board of Supervisors. Upon award of the contract, the County must publicly announce its award, along with a written decision supporting its contract award.

Stipends may be awarded to the bidders that submitted technical proposals, but were not awarded the contract in accordance with the conditions stated in the RFP. Environmental documentation will be prepared and approved in accordance with the California Environmental Quality Act.

As required by Public Contract Code Section 20133, the County shall establish and enforce for design-build projects a labor compliance program containing the requirements outlined in Section 1771.5 of the Labor Code, or it shall contract with a third party to operate such a labor compliance program. This requirement does not apply to projects where the County or the DB has entered into any collective bargaining agreement(s) binding all of the contractors performing work on the projects.

PROTESTS

The County has adopted a Countywide Services Solicitation Protest Policy (Board Policy No. 5.055 effective May 6, 2004) to address vendor protests on solicitations related to Board-approved services contracts. Protests related to the solicitation and award of design-build contracts shall be patterned after, and comply with, the implementation guidelines for that policy.

Consistent with the timeframes stipulated in the RFP, the County will provide a listing of qualified DBs invited to continue with the selection process. At such time, the County may give notice in writing to the DBs not invited of essential RFP criteria that the team failed to meet. The notice will include the grounds upon which the team may request and the date by which they must request a review hearing.

Where evaluation of a timely and completed submission results in a DB receiving a score below the threshold considered necessary to prequalify or a rank below the threshold stipulated in the RFP, a protest can be made. Such a protest is begun by the DB delivering notice to the County of its protest of the decision with respect to its prequalification score or ranking and requesting a review hearing in accordance with the timeframe stipulated in the RFP.

If the DB submits the required notice of protest of the score or rank, the hearing shall be conducted so that it is concluded in accordance with the timeframes stipulated in the RFP. The hearing shall be an informal process conducted by a panel assembled by Public Works in accordance with the Countywide Services Contract Solicitation Protest Policy to whom the Board has delegated responsibility to hear such protests (the County Review Panel). The DB will be given the opportunity to present information and reasons in opposition to the finding or scoring. The County Review Panel will then render its decision in accordance with the timeframes stipulated in the RFP.

Where evaluation of a timely and completed submission of a technical and/or cost proposal results in a score or ranking below the threshold necessary to either be considered responsive or determined to represent the best value to the County, a protest can be made. Such a protest is begun by the DB requesting a debriefing with Public Works' officials to review their proposal with the evaluation documentation, in accordance with the timeframes stipulated in the RFP.

If the DB submits the required notice of protest of score or rank discussed in the debriefing and requests a selection review, the hearing shall be conducted in accordance with the timeframes stipulated in the RFP. The hearing shall be an informal process conducted by the County Review Panel. The DB will be given the opportunity to present information and reasons in opposition to the scoring.

The County Review Panel will render its decision in accordance with the timeframes stipulated in the RFP. Without timely notices and/or appeals, the DB waives any and all rights to challenge the decision of the County, whether by administrative process, judicial process, or any other legal process or proceeding.

The County review panel will present their findings to the Director of Public Works for a decision on any protest. The decision of the Director may be appealed to the Board of Supervisors.

DEFINITIONS

As used in this policy:

Best Value means a value determined by objective criteria related to qualifications, experience, team members, work plan, schedule, price, features, functions, and life-cycle costs.

Project Scoping Documents means the information provided as part of a RFP for use in preparing technical and cost proposals. Project scoping documents may include:

- Narrative project descriptions
- Operational and architectural programs
- Design drawings and other illustrations of building concepts
- Materials, systems, and equipment performance specifications
- Sequence of operation descriptions
- Schedule requirements for construction and occupancy of the completed project

Scoping Professional means an architect or engineer registered in the State of California who is retained or employed by the County and is responsible for the development and production of the project scoping and performance specification documents.

Cost Proposal means the cost of all work necessary to design and build the project as described in the RFP. Such work may include, but not be limited to:

- Design and securing approvals of all authorities having jurisdiction to permit construction
- Mobilization, demolition, site preparation, construction, and installation
- Commissioning, start-up, and testing of the work
- Administrative and management services necessary to supervise and comply with requirements of regulatory agencies involved in its design, construction, and occupancy of the work

County means the County of Los Angeles, acting on behalf of the County of Los Angeles and/or any public entity for which the Board of Supervisors is the governing body.

Evaluation Committee means a committee assembled by Public Works to evaluate responses to the RFP.

County Review Panel means a panel assembled by Public Works in accordance with the Countywide Services Contract Solicitation Protest Policy to whom the Board has delegated responsibility to hear such protests.

Design-Builder means a partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.

Prequalification means the process by which a design-build proposer/bidder is deemed sufficiently experienced, competent and capable as to be prequalified to submit a proposal in response to the RFP. The County reserves the right to shortlist prequalified design-build proposers/bidders, i.e., to limit the number of prequalified proposers/bidders that will be invited to submit technical and cost proposals.

Request for Proposal means the information sent to interested parties, describing the requirements for the proposal to be submitted in consideration for selection as a DB to deliver the project and the method by which it will be evaluated. An RFP typically includes information on:

- Required reports, studies, and narrative information
- Required drawings, schedules, diagrams, and tables
- Required specifications and descriptions of materials, equipment, and products to be incorporated in the built work
- Evaluation criteria that lists and describes the relative importance of materials required to be submitted
- The form of proposals for the design-builds cost(s) and schedule(s) to deliver the project

Shortlisting means limiting the number of prequalified proposers that will be invited to submit technical and cost proposals.

Stipends means compensation paid to unsuccessful proposers in recognition of the cost of preparing proposals for the benefit of the County.

Technical Proposal means the information submitted by prequalified design-build proposers/bidders in response to the RFP. Technical proposals may include both designs as well as construction aspects of the project as may be defined in the RFP. Contents of technical proposals may include, but are not limited to:

- Reports, studies, and narrative information
- Drawings, schedules, diagrams, and tables
- Specifications and descriptions of materials, equipment, and products to be incorporated in the built work
- Sequence of construction schedule(s)

Tenant Department means the County Department to whom the project will be turned over to occupy or operate upon project completion.

Labor Compliance Program means the standards, regulations, and contract provisions to be enforced on the construction site subject to the imposition of penalties for noncompliance. The program addresses items, such as:

- Payment of applicable general prevailing wage rates
- Employment of registered apprentices
- Provision of certified payroll records
- Withholding of contract payments

ATTACHMENT B

REQUEST FOR PROPOSALS

FOR

DESIGN-BUILD SERVICES

PROJECT NAME

SPECS XXXX

LEGEND

- Indicates information to be added by the project manager
- Comment or note only

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

**REQUEST FOR PROPOSALS
FOR
DESIGN-BUILD SERVICES**

PROJECT NAME

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- A. Pre-qualification Questionnaire
- B. Sample Design-Build Agreement
- C. General Conditions
- D. CSI Construction Cost Summary
- E. Labor Compliance Program Requirements
- F. Scoping Documents
- G. Design-Build Manual

ATTACHMENTS (on next page)

ATTACHMENTS

CERTIFICATION FORMS (Included in the Pre-qualification Questionnaire)

- 00310 Best Management Practices Requirements
- 00311 Construction and Demolition Debris Recycling Requirements
- 00312 Insurance Requirements
- 00410 Bid Bond
- 00430 List of Subcontractors
- 00435 CBE Participation Form
- 00440 Equals
- 00445 Community Business Enterprise Program Sanctions
- 00450 Non-Collusion Affidavit
- 00460 Gain Participation Affidavit
- 00465 Contractual History (3-Year)
- 00470 False Claims
- 00471 Civil Litigation History
- 00472 Criminal Convictions
- 00473 Debarments
- 00474 Labor Law /Prevailing Wage
- 00485 Contractor Employee Jury Service Program
- 00490 Design-Builders Industrial Safety Record
- 00491 Injury & Illness Prevention Plan & Code of Safe Practices Affidavit

- 00492 Bidder's Organization Questionnaire/Affidavit **REQUEST FOR PROPOSALS**

**REQUEST FOR PROPOSALS
FOR
DESIGN-BUILD SERVICES**

PROJECT NAME

1 INTRODUCTION AND OVERVIEW

**THIS IS A QUALIFICATIONS-BASED BEST VALUE SELECTION.
THIS IS NOT A LOW BID SOLICITATION.**

1.1 General:

The County of Los Angeles, Department of Public Works (Public Works) is inviting Design-Build proposals from interested firms to perform the design, construction, and warranty maintenance for the **PROJECT NAME** (Project) located at **ADDRESS**.

The County's primary objective in utilizing the Design-Build approach for this project is to bring the best available design and construction experience and expertise together to collaborate with the County as a team, to successfully meet the unique challenges presented by this project.

The County desires to select a cooperative, highly functional Proposer to provide a Design-Build project that fully meets the County's established criteria. The Design-Build approach is intended to allow designers and contractors to work together to address each of these challenges concurrently, to produce an effective and comprehensive design concept that meets all these criteria.

The qualified Design-Builder will be selected according to the selection process described herein in Section 1.4 and the Evaluation Criteria described in Section 6. In this Request For Proposal (RFP) you are provided with Part A – Pre-qualification Questionnaire and project Scoping Documents. Only the selected proposers will be invited to submit Part B - Technical and Cost Proposal. [Appropriate list of included documents to be provided by the PM]

Upon best value selection and final award of the Design-Build contract, the second and third place proposers will receive a stipend of \$_____ each to assist with the costs associated with the proposal process and the County shall retain ownership of proposed design concepts. [Optional language – Only if Stipend is used. Tie to 3.3 – Cost of RFP]

- 1.2 Project Description:
When completed, the **PROJECT NAME** will provide **(DESCRIBE THE PROJECT, FEATURES, AND FUNCTIONS)**

The objective of this solicitation is to select a firm that provides the best value to the County based **(DESCRIBE THE MAJOR CRITERIA AND THE MAJOR EVALUATION CRITERIA.)**

- 1.3 Design-Builder Selection:
Public Works will make a recommendation to the Board of Supervisors regarding award of a contract to the most advantageous Proposer based on the Proposer's ability to best meet the requirements stated in the RFP. The recommendation for selection will be made on the basis of qualifications, demonstrated competence, ability to meet County criteria, and technical response to the RFP without regard to race, creed, color, or gender.
- 1.4 The selection process is:
Part A Pre-qualification Questionnaire and Part B Technical and Cost Proposal. Part A is open to all interested parties. Part B is limited to the invited parties qualified under Part A. Processing of this RFP will be handled in the following manner:

Part A – Pre-qualification Questionnaire

- 1.4.1 At the County's discretion, a pre-submittal meeting will be held at the **Department of Public Works' Headquarters, 900 South Fremont Avenue, Alhambra, California 91803**, approximately two weeks prior to submission date, to explain the prequalification request and criteria, and to answer questions that may arise regarding the prequalification. **(optional language to be used if a presubmittal meeting is held)**
- 1.4.2 Proposals that provide all required information in the Part A – Pre-qualification Questionnaire evaluation and meet the minimum scoring indicated in each section will be deemed responsive. **(optional language to be used if minimum scoring in any part(s) of the Pre-qualification form is utilized by the PM)**

1.4.3 Invitation to Submit Part B – Technical and Cost Proposals.

(PM to choose one of the following options to be included in this RFP)

(a) All Design-Builders that have submitted the Part A – Pre-qualification Questionnaire proposals which have met the minimum criteria set forth by the County and have been determined to be responsive will be invited to submit proposals for Part B – Technical and Cost Proposal.

(b) The Evaluation Committee will then review the responsive proposer's answers to the scorable questions located in Parts 1, 3, and 4 and provide scoring based on criteria listed with each question in the Part A - Pre-qualification Questionnaire. Based on their scoring, the top **three** ranked proposers from Part A of the RFP will be invited to submit proposals for Part B – Technical and Cost Proposal.

Part B – Technical and Cost Proposals

1.4.4 Proposals:

If pre-qualified and selected in Part A, (The following language is to be used if partial documents were issued with the Prequalification, and if additional documents will be issued to successful Part-B proposers; otherwise proceed to next paragraph) proposers will receive Part B documents, which will include:

- Scoping Documents (example)

Proposers will be requested to submit proposals offering Design-Build Services in accordance with Section 2, and in a format specified in Section 5 of this RFP.

Before submitting a Proposal, each Proposer is responsible to: a) examine the RFP and all attachments and exhibits thoroughly; b) visit the site to familiarize itself with field conditions that may in any manner affect cost, progress, or performance of the work; c) and become familiar with Federal, State, and local laws, ordinances, rules, and regulations that may in any manner affect cost, progress, or performance of the work

1.4.5 Mandatory Pre-Proposal Conference/Site Visitation:

A mandatory pre-proposal conference site visit will be held on **DATE**, at **TIME**, at **LOCATION ADDRESS** to answer questions concerning the Project. Proposers must attend the mandatory pre-proposal conference/site visit in its entirety to be considered responsive to this RFP. [Optional language – Only in case of mandatory pre-proposal conference.]

1.4.6 Optional Pre-Submittal Meetings:

Public Works will conduct optional pre-submittal meetings with each Proposer who has been invited to submit Part B – Technical and Cost Proposals upon request of each proposer. The purpose of these meetings is to answer questions concerning the project. Meetings will be held individually and confidentially with each proposer.

Meetings will be held only with one week written notification from the Proposer, and at least one week prior to submission of proposals.

1.4.7 All Part B proposals will be evaluated and ranked from the most advantageous to the least based on criteria in Section 6 of this RFP.

1.4.8 The Project Evaluation Committee may request clarification of any response to any submittal for the purpose of determining whether the minimum qualifications have been met. Response to such a request must be in writing and shall become part of the Design-Builder's proposal. If the Design-Builder fails to respond within the time indicated in the request, this may result in rejection of Design-Builder's RFP as nonresponsive.

1.4.9 (PM to choose one of the following options to be included in this RFP)

(A) An oral presentation is part of the RFP for this project. It is listed in the schedule Section 1.6 as a mandatory oral presentation date. This presentation will provide the proposers with an opportunity to present the proposed project team, outline aspects of the proposal and project plan, highlight beneficial aspects of utilizing the Design-Build entity, and allow the County to ask project specific questions and clarifications of the specific proposals.

(B) Although an oral presentation was not required as part of the RFP for the project, the evaluation committee, at its discretion, may

request an oral presentation in order to enhance information provided in the proposals. If an oral presentation is to be utilized, a minimum 2 week notice will be provided to the proposers by the evaluation committee.

1.4.10 Once the evaluation committee makes a determination of the proposals ranked from most advantageous to the least, the proposers will be informed. Good faith negotiations will begin with the most advantageous Design-Builder.

1.4.11 In the event that additional elements, changes, or enhancements to existing elements contained in this RFP may be required, Public Works reserves the right to negotiate with the Design-Builder to cause these changes to be incorporated in the work product.

1.4.12 Upon conclusion of negotiations, Public Works may recommend award of a Design-Build Agreement to the Board of Supervisors.

1.4.13 Notwithstanding a recommendation of a department, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a Proposer and the terms of any resultant agreement, and to determine which Proposer best serves the interests of the County. The Board of Supervisors is the ultimate decision-making body and makes the final determinations necessary to arrive at a decision to award, or not award, a contract.

1.5 In accordance with Section 20133 of the California Public Contract Code, any architect, engineer, or consultant retained by the County to assist in the development of the project-specific documents shall not be eligible to participate in the preparation of a proposal with a Design-Builder for that project. Therefore, the following firms, which were retained by the County of Los Angeles to assist in the preparation of the plans and specifications for the **PROJECT NAME** (project), will not be allowed to apply for prequalification nor will they be allowed to participate in developing a proposal for the Design-Build Contract:

- Name of Scoping Architect
- Name of Structural Engineer
- Name of Mechanical Engineer
- Name of other Scoping Professionals
- Environmental, Geotech, Surveyor, Etc.

Proposers must not contact the firms listed above. All contacts shall be through the County's Contract Administrator listed in Section 3.12 of

this RFP.

1.6 Schedule:

A tentative schedule is provided for information purposes only:

DATE	RFP issue date
DATE	_____ Pre-submittal conference/site visit [PM to identify mandatory or optional per project]
DATE	Part A – Pre- Qualifications Questionnaire due
DATE	Part A – Initial Determination
DATE	Invitation to Proposers Qualified to submit Part B.
DATE	_____ Pre-proposal conference/site visit [PM to identify mandatory or optional per project]
TBD	Part B Optional meetings with proposers
DATE	Part B Written Proposals Due
DATE(TBD)	Part B Mandatory(Optional) Oral Presentation [PM to identify as required per project]
DATE	Determination of Successful Proposer
DATE	Award of Contract
DATE	Contract Executed and Notice to Proceed Issued

The County has the right to revise the schedule and extend the pre-qualification and/or proposal process.

1.7 Definitions:

Definitions are provided in Exhibit C “General Conditions” to clarify the terms used in this RFP document. If further clarifications are necessary, Proposers should send requested clarification to the Contract Administrator.

2 SCOPE OF SERVICES

Proposals must be for a complete Design-Build project and must include design, engineering, construction, procurement and installation of equipment, obtaining all required permits, and warranty maintenance costs. The proposal price must contain all costs and fees for such services.

The successful Design-Builder will be responsible for designing and building the Project in compliance with any and all applicable codes, rules/regulations, and laws. The successful Design-Builder will, at no additional cost to the County, be responsible for correcting any identified deficiencies to bring the Project into compliance with any and all applicable codes, regulations, laws and Scoping Document requirements.

Upon Project completion, the successful Design-Builder will be responsible for all warranty repairs, and providing the necessary operational documentation and

training of County maintenance staff.

2.1 Design-Builder's Responsibilities:

The Proposer awarded the contract shall be responsible for the performance of, including but not limited to, the following:

- 2.1.1 Compliance with the project's approved Environmental Documents provided by the County.
- 2.1.2 Any and all design and engineering work.
- 2.1.3 Any and all demolition, construction, and warranty maintenance work.
- 2.1.4 Identifying and obtaining all required permits, inspections, and approvals for the project. Costs for permits and inspections to be reimbursed by the County as further described in the Design-Build Manual.
- 2.1.5 Procuring and installing all equipment, unless otherwise specified.
- 2.1.6 Quality and performance testing. Verification and testing. As required to meet the intent of the project Scoping Documents.
- 2.1.7 Start-up and commissioning.
- 2.1.8 Training County employees in the use, operation, and maintenance of the system.
- 2.1.9 Providing all operating manuals and documents.
- 2.1.10 Warranty repair.

2.2 Scope of Project and Technical Criteria:

PROJECT MANAGER AND SECTION HEAD TO PROVIDE A DESCRIPTION OF THE SCOPE OF WORK INCLUDING PUBLIC WORKS AND TENANT DEPARTMENT REQUIREMENTS. INCLUDE A LISTING OF ALL SCOPING DOCUMENTS, PERFORMANCE CRITERIA, DELIVERABLES (QUANTITIES AND TYPE) AND SUBMITTALS; for E.G. DD, 50% CD, 100% CD, PERMIT PACKAGES, COMMISSIONING.

3 RFP GENERAL CONDITIONS

3.1 General Conditions:

This RFP is a solicitation for proposals only, and is neither intended, nor to be construed as, an offer to enter into an agreement or engage in any formal competitive bidding or negotiation pursuant to any statute, ordinance, rule, or regulation. Thus, Public Works reserves the unqualified right to reject any or all proposals for any reason.

3.2 Public Works' Responsibilities:

Public Works is responsible only for that which is expressly stated in this RFP. Public Works is not responsible for, and shall not be bound by, any representations otherwise made by any individual acting or purporting to act on its behalf.

3.3 Cost of Proposal:

Public Works shall not in any way be liable or responsible for any costs incurred in connection with the preparation, submittal, or presentation of any Proposal submitted in response to this request.

STIPEND OPTION TO BE DEFINED, LANGUAGE ADDED, AND USE RECOMMENDED BY PUBLIC WORKS, CEO, AND TENANT. THE BOARD APPROVAL TO USE DESIGN-BUILD ON A GIVEN PROJECT WILL INCLUDE AUTHORIZATION TO PUBLIC WORKS TO PAY THE STATED STIPEND TO THE PROPOSERS AS DESCRIBED.

3.4 Compliance with RFP:

Responses to this RFP shall be made according to the specifications and instructions contained herein. Failure to adhere to RFP instructions may be cause for rejection of any proposal.

3.5 Truth and Accuracy of Representations:

Substantially false, misleading, incomplete, or unresponsive statements and/or failure to adhere to the format herein described may be sufficient cause for rejection. The evaluation and determination of the fulfillment of the above requirement shall be in Public Works' sole judgment and shall be final.

3.6 Contract Execution:

The resultant negotiated contract terms of this RFP, once approved by the County and sent to the selected firm, shall be executed and returned by the selected firm within ten calendar days from the time of receipt of the contract.

3.7 Acceptance of Terms and Conditions:

Proposers understand and agree that submittal of a proposal will constitute acknowledgment and acceptance of, and a willingness to comply with, all of the terms, conditions, and criteria contained in this RFP, including any attachments and exhibits herein. Any and all parts of the submitted proposal may become part of any resultant contract between the selected Design-Builder and the County.

3.8 Public Works' Changes to RFP:

Public Works reserves the right to interpret or change any provisions of this RFP at any time prior to the proposal submittal date. Such interpretations or changes shall be in the form of addenda to this RFP. Such addenda will become part of this RFP and may become part of any resultant contract. Such addenda shall be made available to each person or organization which has received an RFP. Should such addenda require additional information not previously requested, a Proposer's failure to address the requirements of such addenda may result in the Proposer not being considered.

Public Works, at its sole discretion, may determine that a time extension is required for submittal of proposals, in which case an addendum shall indicate the new proposal submittal date.

3.9 Proposer Changes to Proposal:

No changes to the proposals shall be allowed after submittal to Public Works.

3.10 Consistency with Laws:

Any agreement entered into by the Proposer shall be consistent with applicable federal, state, and local laws.

3.11 Public Records Act:

Responses to this RFP become the exclusive property of Public Works. At such time as Public Works recommends to the Board of Supervisors, and such recommendation appears on the Board Agenda, all proposals submitted in response to this RFP become a matter of public records. Exceptions will be those elements in each proposal which are trade secrets as that term is defined in Government Code Section 6254.7 and which are so marked as "TRADE SECRET," "CONFIDENTIAL," or "PROPRIETARY." Public Works shall not in any way be liable or responsible for the disclosure of any such records including, without limitation, those so marked if disclosure is deemed to be required by law or by an order of the Court. Proposers which indiscriminately identify all or most of their proposal as

exempt from disclosure without justification may be deemed unresponsive.

3.12 Contact with Public Works Employees:

As of the issue date of this RFP and continuing until the final date for submittal of proposals, all Proposers are specifically directed not to hold meetings, conferences, or technical discussions regarding the RFP with County employees and project consultants listed in Section 1.5 unless otherwise requested by this RFP or the Contract Administrator. During the submittal period, questions regarding this RFP may be directed in writing to the person indicated in the cover letter or faxed to:

CONTRACT ADMINISTRATOR

County of Los Angeles Department of Public Works
Architectural Engineering Division
900 South Fremont Avenue, 8th Floor
Alhambra, California 91803-1331
Facsimile (626) 979-5311

Questions must be received 14 calendar days prior to the submittal deadline. Any questions received within 14 calendar days of the deadline may not be considered.

Contact with any other Department of Public Works official, employee, or any firm listed in Section 1.5 of this RFP (including principal, manager, or employee), during the submittal period regarding this RFP may be cause for immediate disqualification of the Proposer.

3.13 Appeals

The County has adopted a Countywide Services Solicitation Protest Policy (Board Policy No.5.055 effective May 6, 2004), to address vendor protests on solicitations related to board-approved services contracts. Appeals related to the solicitation and award of Design-Build agreements shall be patterned after, and comply with, the implementation guidelines for that policy.

Consistent with the timeframes stipulated in the RFP, the County will provide a listing of qualified Design-Builders invited to continue with the selection process. At such time, the County may give notice in writing to the Design-Builders not invited to continue, of essential RFP criteria that the team failed to meet or of scored ranking which resulted in not being invited to continue with Part B – Technical and Cost proposals. The notice will include the grounds upon which the team may request and the date by which they must request a review hearing.

Where evaluation of a timely and completed submission results in a Design-Builder receiving a score below the threshold considered necessary to prequalify or a rank below the threshold stipulated in the RFP, a protest can be made. Such a protest is begun by the Design-Builder delivering notice to the County of its protest of the decision with respect to its prequalification score or ranking and requesting a review hearing in accordance with the timeframe stipulated in the RFP.

If the Design-Builder submits the required notice of protest of the score or rank, the hearing shall be conducted so that it is concluded in accordance with the timeframes stipulated in the RFP. The hearing shall be an informal process conducted by a panel assembled by Public Works in accordance with the Countywide Services Contract Solicitation Protest Policy to whom the Board has delegated responsibility to hear such protests (the County Review Panel). The Design-Builder will be given the opportunity to present information and reasons in opposition to the finding or scoring. The County Review Panel will then render its decision in accordance with the timeframes stipulated in the RFP.

Where evaluation of a timely and completed submission of a technical and/or cost proposal results in a score or ranking below the threshold necessary to either be considered responsive or determined to represent the best value to the County, a protest can be made. Such a protest is begun by the Design-Builder requesting a debriefing with Public Works' officials to review their proposal with the evaluation documentation, in accordance with the timeframes stipulated in the RFP.

If the Design-Builder submits the required notice of protest of score or rank discussed in the debriefing and requests a selection review, the hearing shall be conducted in accordance with the timeframes stipulated in the RFP. The hearing shall be an informal process conducted by the County Review Panel. The Design-Builder will be given the opportunity to present information and reasons in opposition to the scoring.

The County Review Panel will render its decision in accordance with the timeframes stipulated in the RFP. Without timely notices and/or appeals, the Design-Builder waives any and all rights to challenge the decision of the County, whether by administrative process, judicial process, or any other legal process or proceeding.

The County Review Panel will present their findings to the Director of Public

Works for a decision on any protest. The decision of the director may be appealed to the Board of Supervisors.

3.14 Equals:

During the proposal period, equals and/or substitutions, described by the Design-Builder in the proposal will be reviewed, evaluated, accepted or rejected, and the proposed price will be adjusted accordingly. The review, evaluation, and price adjustment will be an interactive mutually agreeable process between the Design-Builder and the County.

3.15 Alternatives:

During the proposal period, alternatives and the corresponding prices described by the Design-Builder in the proposal will be reviewed, evaluated, accepted or rejected, and the proposed price will be adjusted accordingly. The review, evaluation, and price adjustment will be an interactive mutually agreeable process between the Design-Builder and the County.

3.16 County of Los Angeles Lobbyist Ordinance

The County has enacted an ordinance regulating the activities of persons who lobby County officials. This Ordinance, referred to as the Lobbyist Ordinance, defines a County lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the Ordinance can be found in County Code Chapter 2.160. In effect, each person, corporation, or other entity who seeks a County permit, license, franchise, or contract must certify compliance with the Ordinance. As part of this solicitation process, it is the responsibility of each Proposer to review the Ordinance independently as the text of said Ordinance is not contained within this RFP. Thereafter, each person, corporation, or other entity submitting a response to this RFP must certify that each County lobbyist, as defined by Los Angeles County Code Section 2.160.010, that is retained by the Proposer is in full compliance with Chapter 2.160 of the County Code.

3.17 Gratuities

It is improper for any County officer, employee, or agent to solicit consideration, in any form, from a Proposer with the implication, suggestion, or statement that the Proposer's provision of the consideration may secure more favorable treatment for the Proposer in the award of the contract or that the Proposer's failure to provide such consideration may negatively affect the County's consideration of the Proposer's submittal. A Proposer shall not offer or give, either directly or through an intermediary, consideration, in any form, to a County officer, employee, or agent for the purpose of securing favorable treatment with respect to the award of the contract.

A Proposer shall immediately report an attempt by a County officer, employee, or agent to solicit such improper consideration. The report shall be made either to the Public Works' manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (213) 974-0914 or (800) 544-6861. Failure to report such a solicitation may result in the Proposer's submittal being eliminated from consideration.

Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

3.18 Consideration of GAIN/GROW Program Participants for Employment

As a threshold requirement for consideration for contract award, Proposers shall demonstrate a proven record of hiring participants in the County's Department of Public Social Services' Greater Avenues for Independence (GAIN) or General Relief Opportunity for Work (GROW) Program, or shall attest to a willingness to consider GAIN/GROW participants for any future employment opening if they meet the minimum qualifications for that opening. Additionally, Proposers shall attest to a willingness to provide employed GAIN/GROW participants access to the Proposers' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities. Proposers who are unable to meet this requirement shall not be considered for contract award.

3.19 Child Support Compliance Program

Consultant is required to fully comply with all applicable state and federal reporting requirements relating to employment reporting for its employees. Consultant is required to fully comply with all lawfully served wage and earnings assignment orders and notices of assignment. Failure to comply with state and federal reporting requirements regarding employees, or failure to implement lawfully served wage and earnings assignment orders or notices of assignment, constitutes a default under the contract, and failure to cure the default within 90 days of notice by the County, shall subject the contract to termination. Failure to comply with these requirements may be cause for debarment.

3.20 Federal Earned Income Credit

Consultant shall notify its employees, and shall require each subconsultant to notify its employees, that they may be eligible for the Federal Earned Income Credit under the Federal Income tax laws. Such notice shall be provided in accordance with the requirements set forth in Internal Revenue Service Notice 1015.

3.21 Reduction of Solid Waste

Consistent with the Board of Supervisors' policy to reduce the amount of solid waste deposited at the County landfills, the Consultant agrees to use recycled-content paper to the maximum extent possible on the project.

3.22 Small Businesses

Consultants are encouraged to utilize small businesses when possible to provide supplies, equipment, technical services, and other services under this RFP and resultant contract.

3.23 Indemnification and Insurance

The County's insurance requirements specify that Consultants should obtain coverage from insurance companies acceptable to the County who have a current A.M. Best rating of not less than A:VII. A Best rating of A:VII indicates that the company evidences strong financial strength and ability to meet their ongoing financial obligations to policyholders.

Two Alternative Indemnification and Insurance Provisions are set forth in Attachments 2 and 3 of this RFP. Please select one of the alternatives, initial as acceptance of the selected provision, and submit with your response to this RFP. The selected provisions will be incorporated into the Consultant Services Agreement.

3.24 Determination of Proposer Responsibility

3.24.1 A responsible Proposer is a Proposer who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible consultants.

3.24.2 Proposers are hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may determine whether the Proposer is responsible based on a review of the Proposer's performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the Proposer against public entities. Labor law violations which are the fault of subconsultants and of which the Proposer had no knowledge shall not be the basis of a determination that the Proposer is not responsible.

3.24.3 The County may declare a Proposer to be non-responsible for purposes of this contract if the Board of Supervisors, in its discretion, finds that the Proposer has done any of the following: (1) violated a term of a contract with the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

3.24.4 If there is evidence that the highest ranked Proposer may not be responsible, the Department shall notify the Proposer in writing of the evidence relating to the Proposer's responsibility, and its intention to recommend to the Board of Supervisors that the Proposer be found not responsible. The Department shall provide the Proposer and/or the Proposer's representative with an opportunity to present evidence as to why the Proposer should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.

3.24.5 If the Proposer presents evidence in rebuttal to the Department, the Department shall evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of the Proposer shall reside with the Board of Supervisors.

3.24.6 The terms shall also apply to proposed subconsultants of Proposers on County contracts.

3.25 Proposer Debarment

3.25.1 The Proposer is hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may debar the Proposer from proposing on, or being awarded, and/or performing work on other County contracts for a specified period of time, which generally will not exceed five years but may exceed five years or be permanent if warranted by the circumstances, and the County may terminate any or all of the Proposer's existing contracts with the County, if the Board of Supervisors finds, in its discretion, that

the Proposer has done any of the following: (1) violated a term of a contract with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or offense which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

- 3.25.2 If there is evidence that the highest ranked Proposer may be subject to debarment, the Department shall notify the Proposer in writing of the evidence which is the basis for the proposed debarment, and shall advise the Proposer of the scheduled date for a debarment hearing before the Contractor Hearing Board.
- 3.25.3 The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. The Proposer and/or the Proposer's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor Hearing Board shall prepare a tentative proposed decision, which shall contain a recommendation regarding whether the Proposer should be debarred, and, if so, the appropriate length of time of the debarment. The Proposer and the Department shall be provided an opportunity to object to the tentative proposed decision prior to its presentation to the Board of Supervisors.
- 3.25.4 After consideration of any objections, or if no objections are received, a record of the hearing, the proposed decision and any other recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny or adopt the proposed decision and recommendation of the Contractor Hearing Board
- 3.25.5 If a Proposer has been debarred for a period longer than five years, that Proposer may, after the debarment has been in effect for at least five years; submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. The County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that the Proposer has adequately demonstrated one or more of the following: (1) elimination of the grounds for which the debarment was imposed; (2) a bona fide change in ownership or

management; (3) material evidence discovered after debarment was imposed; or (4) any other reason that is in the best interests of the County.

- 3.25.6 The Contractor Hearing Board will consider requests for review of a debarment determination only where (1) the Proposer has been debarred for a period longer than five years; (2) the debarment has been in effect for at least five years; and (3) the request is in writing, states one or more of the grounds for reduction of the debarment period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide notice of the hearing on the request. After the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.

The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall present its proposed decision and recommendation to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.

- 3.25.7 These terms shall also apply to proposed subconsultants of Proposers on County contracts.

3.26 Prohibition from Involvement in Bidding Process

Consultant understands and agrees that neither it nor its subsidiaries shall be involved in any way in the bidding process on any Request for Proposal developed or prepared by or with the assistance of Consultant's services rendered pursuant to this Agreement, either as a prime Design-Builder or subcontractor, or as a Consultant to any other prime Design-Builder or subcontractor. Any such involvement by Consultant shall result in the rejection by the County of the bid by the Design-Builder in question.

3.27 Contractor Employee Jury Service Program

The prospective contract is subject to the requirements of the County's Employee Jury Service Ordinance (Jury Service Program) (Los Angeles County Code, Chapter 2.203). Prospective Design-Builder's should carefully read the Jury Service Program and the pertinent jury service provisions of the model/sample contract, both of which are incorporated by reference into

and made a part of this RFP. The Jury Service Program applies to both Design-Builder and their subcontractors.

Proposers that fail to comply with the requirements of the Jury Service Program will be considered non-responsive and excluded from further consideration.

- 3.27.1 Jury Service Program requires Design-Builder's and their subcontractors to have and adhere to a written policy that provides that its employees shall receive from the Design-Builder, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the Design-Builder or that the Design-Builder deduct from the employee's regular pay the fees received for jury service. For purposes of the Jury Service Program, employee means any California resident who is a full-time employee of a Design-Builder and full time means 40 hours or more worked per week, or a lesser number of hours if: 1) the lesser number is a recognized industry standard as determined by the County, or 2) the Design-Builder has a long-standing practice that defines the lesser number of hours as full time. Therefore, the Jury Service Program applies to all of a Design-Builder's full-time California employees, even those not working specifically on the County project. Full-time employees providing short-term, temporary services of 90 days or less within a 12-month period are not considered full-time for purposes of the Jury Service Program.
- 3.27.2 There are two ways in which a Design-Builder might not be subject to the Jury Service Program. The first is if the Design-Builder does not fall within the Jury Service Program's definition of Design-Builder. The Program defines Design-Builder to mean a person, partnership, corporation, or other entity which has a contract with the County or a subcontract with a County Design-Builder and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more County contracts or subcontracts. The second is if the Design-Builder meets one of the two exceptions to the Jury Service Program. The first exception concerns small businesses and applies to Design-Builders that have: 1) ten or fewer employees; and, 2) annual gross revenues in the preceding twelve months which, if added to the annual amount of this contract is less than

\$500,000; and, 3) is not an affiliate or subsidiary of a business dominant in its field of operation. The second exception applies to Design-Builders that possess a collective bargaining agreement that expressly supersedes the provisions of the Jury Service Program. The Design-Builder is subject to any provision of the Jury Service Program not expressly superseded by the collective bargaining agreement.

3.27.3 If a Design-Builder does not fall within the Jury Service Program's definition of Contractor or if it meets any of the exceptions to the Jury Service Program, then the Design-Builder must so indicate in the Certification Form and Application for Exception and include with its submission all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing the Design-Builder's application, the County will determine, in its sole discretion, whether the Design-Builder falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County's decision will be final.

3.28 Vendor Registration with the County of Los Angeles

All potential bidders/proposers with the County of Los Angeles are required to register in WebVen and have a valid vendor number assigned to them. The vendor number is required by the Auditor-Controller and is necessary for any payments to be made to a Design-Builder who is awarded a County project. Vendor registration can be done online at <http://camisvr.co.la.ca.us/webven> or calling the County's Internal Service Department Central Purchasing Vendor Relations Unit at (323) 267-2650. If you are awarded a contract and you do not have a valid vendor number, your payments will be delayed until you are registered.

3.29 No Payment for Services Provided Following Expiration/Termination of Agreement

Design-Builder shall have no claim against County for payment for any money or reimbursement, of any kind whatsoever, for any service provided by Design-Builder after the expiration or other termination of this Agreement.

Should Design-Builder receive any such payment it shall immediately notify County and shall immediately repay all such funds to County. Payment by County for services rendered after expiration/termination of this Agreement shall not constitute a waiver of County's right to recover such payment from Design-Builder. This provision shall survive the expiration or other termination of this Agreement.

3.30 Notice to Employees Regarding the Safely Surrendered Baby Law

The Design-Builder shall notify and provide to its employees, and shall require each subcontractor to notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in the County of Los Angeles, and how to safely surrender a baby. The fact sheet is set forth in Exhibit A of this solicitation document and is also available on the Internet at www.babysafela.org for printing purposes.

The Design-Builder acknowledges that the County places a high priority on the implementation of the Safely Surrendered Baby Law. The Design-Builder understands that it is the County's policy to encourage all County Design-Builder's to voluntarily post the County's A Safely Surrendered Baby Law poster in a prominent position at the Design-Builder's place of business. The County's Department of Children and Family Services will supply the Design-Builder with the poster to be used.

3.31 Notification to County of Pending Acquisitions/Mergers by Proposing Company

The vendor shall notify the County of any pending acquisitions/mergers of their company. This information shall be provided by the vendor on Required Form – Proposer's Organization Questionnaire/Affidavit. Failure of the vendor to provide this information may eliminate its proposal from any further consideration.

3.32 Prevailing Wage Requirements

The subject project is a public work as defined in Section 1720 of the California Labor Code and is subject to prevailing wage requirements.

4

COMMUNITY BUSINESS ENTERPRISE (CBE) PARTICIPATION

- 4.1 The County has adopted a Community Business Enterprise (CBE) Program, available for review at Public Works, which includes business enterprises owned by disabled veterans, disadvantaged business enterprises, and minority and women-owned business enterprises. The County has established an aspirational goal that 25 percent of all County contract dollars shall go to certified CBEs. All Proposers shall document good faith efforts they have taken to assure that CBEs are utilized when possible to provide supplies, equipment, technical services, and other services under this contract. The County will evaluate the Proposer's good faith efforts to meet

the CBE participation goal by reviewing the Proposer's documentation of the following criteria:

- 4.1.1 Proposer attended any preproposal meetings scheduled by the County to inform all Proposers of the CBE program requirements for the project.
- 4.1.2 Proposer identified and selected specific items of the project for which a subcontract could be awarded to be performed by CBEs to provide an opportunity for participation by those enterprises.
- 4.1.3 Proposer advertised, not less than ten calendar days before the date the proposals are due, in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media specified by the County for CBEs that are interested in participating in the project. This paragraph applies only if the County gave public notice of the project not less than 15 calendar days prior to the date the proposals are due.
- 4.1.4 Proposer provided written notice of his or her interest in proposing on the project to certified CBEs not less than ten calendar days prior to the submittal of proposals.
- 4.1.5 Proposer followed up initial solicitations of interest by contacting the CBEs to determine with certainty whether the CBEs were interested in performing specific items of the project.
- 4.1.6 Proposer provided interested CBEs with information about the project and requirements for selected subconsultants.
- 4.1.7 Proposer requested assistance from minority and women community organizations; minority and women Contractor groups; local, state, or federal minority and women business assistance offices; or other organizations that provide assistance in the recruitment and placement of minority or women business enterprises, if any are available. Proposer used the services and assistance of the Small Business Administration and Minority Business Development Agency of the Department of Commerce, the County Office of Affirmative Action Compliance, and other outreach agencies.
- 4.1.8 Proposer negotiated in good faith with the CBEs, and did not unjustifiably reject as unsatisfactory proposals prepared by any CBE.

- 4.1.9 Where applicable, the Proposer advised and made efforts to assist interested CBEs in obtaining bonds, lines of credit, or insurance required by these contract documents.
- 4.1.10 Proposer's efforts to obtain CBE participation could reasonably be expected by the County to produce a level of participation sufficient to meet the goals and requirements of the County.
- 4.2 The Proposer's CBE participation shall be reflected in the CBE participation form. The Proposer's documentation of its good faith efforts shall be submitted with the proposal to:
- County of Los Angeles Department of Public Works
Architectural Engineering Division
900 South Fremont Avenue, 8th Floor
Alhambra, California 91803-1331
Attention: **CONTRACT ADMINISTRATOR**
- 4.3 The County has established CBE Program sanctions to ensure the fair and equitable opportunity to participate by certified CBEs. Proposers are required to acknowledge these CBE Program sanctions by completing the sanctions form.
- 4.4 Public Works will answer questions from Proposers regarding CBE participation.
- 4.5 The County strongly encourages participation by CBEs; however, the final selection will be made without regard to race, color, creed, or gender. The final selection will be based on the Proposer's ability to provide the best service and value to the County.

5 FORMAT OF PROPOSAL

Upon request of the County, as outlined in Section 1.4 of this RFP, the Design-Builder will prepare a proposal in the following format. The responses to this RFP must be made according to the requirements set forth in this Section, both for content and for sequence. Noncompliance with these requirements or the inclusion of conditions, limitations, or misrepresentations, may be cause for rejection of the proposal. Proposals submitted shall include six (6) complete copies (five bound copies and one unbound) of the proposal and related information and shall be submitted to:

CONTRACT ADMINISTRATOR
County of Los Angeles Department of Public Works

Architectural Engineering Division
900 South Fremont Avenue, 8th Floor
Alhambra, California 91803-1331
Facsimile (626) 979-5311

Proposals must be received by the date indicated in the cover letter.

PROPOSALS RECEIVED BY PUBLIC WORKS AFTER THE STATED DEADLINES MAY NOT BE CONSIDERED FOR EVALUATION. THE COUNTY RESERVES THE RIGHT TO CONSIDER EVALUATION OF LATE PROPOSALS PROVIDED THE PROPOSALS ARE SUBMITTED BEFORE THE CLOSE OF BUSINESS OF THE DAY FOLLOWING THE SUBMITTAL DATE.

5.1 Format of Proposal Summary:

Proposal submittals shall be organized as indicated below. Specific requirements for each of the Design-Builder's proposal sections are included hereinafter.

5.1.1 **Part A – Pre-qualification Questionnaire:**

- Design-Builder to fill out ALL requested information in the Part A – Prequalification Questionnaire as indicated in the document.
- Sign and Date the Commitment to Propose.
- Sign and date the Oath of Truthfulness.

5.1.2 **Part B – Technical and Cost Proposal** – to be submitted only upon request of the County. See Section 1.4 of this RFP for the selection and invitation process for Part B Proposals.

Required Proposal Sections

1. Cover Letter
2. Corporate Documentation
3. Technical design and construction expertise.
4. Skilled labor force availability.
5. Acceptable safety record.
6. The proposed key individuals and proposed subcontractors.
7. The proposed work plan.
8. The design and construction schedule.
9. Liability and risk for cost containment and project completion time.
10. Life cycle costs.
11. Proposed price (in a separate sealed envelope.)

Section 1 - Cover Letter

Cover letter shall include the name and address of the organization submitting the proposal; whether the proposing firm is an individual, partnership, corporation, or joint venture; and the name, address, and telephone number of the contact person who will be authorized to make representations for the organization.

Section 2 – Table of Contents

Table of Contents shall include an outline of the proposal, identified by sequential page number, and section title as described herein.

Section 3 - Corporate Documentation

Corporate Documentation shall include relevant information regarding organizational stability and strength, including a description/statement of the organization (e.g.), sole proprietorship, partnership, corporation, joint venture, etc.

Section 4 – Qualification and Experience

Qualification and Experience shall include, but not be limited to, the following information:

Proposed Key Individuals and Proposed Subconsultants / Subcontractors

- 4.1 Designation of an experienced senior individual as the supervisor/administrator of the Design-Builder's staff who will be responsible for the delivery of services in accordance with the established Scope of Services in the Design-Builder Agreement with the County. Provide information including relevant experience, professional certification, license, registration, education, and past relevant projects and Design-Build experience.
- 4.2 Identification of principal staff members. Provide information on key individuals providing the offered services including relevant experience, professional certification / license / registration, education, and past relevant projects and Design-Build experience. The

successful Design-Builder shall submit names and resumes for Public Works' approval 30 calendar days prior to the anticipated date of a personnel change.

- 4.3 Identification of principal staff members of major subconsultants/subcontractors. Provide information on key individuals providing the offered services including relevant experience, professional certification / license / registration, education, and past relevant projects and Design-Build experience. The successful Design-Builder shall not remove or replace major (0.5% or more of construction value) subconsultant/subcontractor team members without prior consent of Public Works. The successful Design-Builder shall submit names and resumes for Public Works' approval 30 calendar days prior to the anticipated date of a personnel change.
- 4.4 All proposed Key Individuals as identified by the Design-Builder and accepted by the County shall be committed to the project by the Design-Builder and key Subconsultants/Subcontractors and will not be released from the project unless agreed upon by the County per the General Conditions.

Section 5 - Technical Design and Construction Expertise

For Technical Design and Construction Expertise provide a list of projects which indicate related experience in providing the required services. Include a list of references and respective phone numbers

Section 6 - Work Plan and Standard Services

Work Plan and Standard Services shall include the Proposer's approach to providing the service deliverables described in Section 2, Scope of Services, of this RFP. The work plan will follow the guidelines in the Design-Build Manual and outline how the Proposer intends to provide and manage the resources necessary to accomplish the Scope of Services including:

- 6.1 Provide a Work Plan for all services as outlined in Section 2 for the whole Project. The typical Work Plan shall indicate activities in support of the required services, including quality control reviews and participation of

subconsultants/subcontractors.

- 6.2 Provide a staffing and resources management plan for Design-Builder and each subconsultant/subcontractor which identify specific tasks and the level of effort and the number of hours required for the services required for the Project. Describe your current workload and capability/commitment to complete the Scope of Services in accordance with Project schedules.
- 6.3 Provide a detailed description of architectural/engineering resources to be used on the Project and overall Project control methodology. Provide a detailed description of the commissioning plan, as well as a description of the proposed permitting process.
- 6.4 Provide a detailed description of the Design-Builder's proposed cost containment and project completion timeline. [Project Manager and Section Head to work with CEO Risk Manager to determine language for each project.]
- 6.5 Design-Builder's project delivery plan should demonstrate how Design-Builder will assure timely completion of the project and minimize additional project costs.

Section 7 - Skilled Labor Force Availability

- 7.1 Present the Design-Builder's agreement with a registered apprenticeship program, approved by the State of California Apprenticeship Council, which has graduated apprentices in each of the preceding five years. The graduation requirement shall not apply to apprenticeship programs that have been approved and identified as apprenticeable craft by the department of Labor and the Department of Industrial Relations.
- 7.2 Describe your agreement with an approved apprenticeship program in accordance with the County requirements as outlined in Exhibit G – Design-Build Manual.

Section 8 - Acceptable Safety Record

Proposer shall provide an outline of it's safety record including a demonstration of:

- 8.1.1 Experience Modification Rate for the most recent 3 year period (must be an average of 1.0 or less)
- 8.1.2 Total recordable injury/illness rate.
- 8.1.3 Lost work rate for the most recent 3 year period.
- 8.1.4 All must be in accordance with the description in Exhibit G – Design-Build Manual

Section 9 - The Design and Construction Schedule

Provide a detailed design and construction schedule CPM timeline, identifying critical milestones and number of days to complete Project, from the Notice to Proceed to an operational Project. No single activity to exceed a 30-day duration. Design-Builder shall identify 30 days of float to be used at the discretion of the County.

Section 10 - Life Cycle Costs.

Life Cycle Costs – (project Manager and Section Head to work with project team to determine elements requiring LCC and duration. Project Manager to attach LCC requirements to RFP).

Section 11- Proposed Price (in a separate sealed envelope.)

Proposed Price – Costs: Provide a breakdown of the Project costs, including (but not limited to):

- 11.1 Design
- 11.2 Permits and Regulatory Requirements
- 11.3 Construction & Administration
- 11.4 CSI (16 Division) Construction Cost Summary Form I
 - 11.4.1 Design-Builder's Contingency

11.4.2 Design-Builder's Fee

- 11.5 The Design-Builder entity's builder fee for construction will be identified separately as a lump sum. The Design-Builder's fee portion will be divided by the construction cost to establish a percentage. The calculated percentage will be utilized to determine the Design-Builder's fee for additional scope of work change order items and extended duration as may be authorized by Public Works over the course of the Project. (PM shall compare and verify language in this section with project Design-Builder agreement)

Section 12 – Acceptance of Terms and Conditions

Acceptance of Terms and Conditions shall include a statement affirming the Proposer's acceptance of the terms and conditions contained in the attached sample Design-Builder Agreement.

Section 13 – Required Certifications

Required Certifications

Design-Builder shall complete and submit with the proposal, the following certifications and forms. Except for the Contractor Employee Jury Service Program form, these forms are required only from the prime. The Contractor Employee Jury Service Program form must be completed and signed by the entire project team.

- 13.1 Completed Best Management Practices Requirements Form (Specification Section 00310)
- 13.2 Completed Construction and Demolition Debris Recycling Requirements (Specification Section 00311)
- 13.3 Completed Listing of subcontractors Form (Specification Section 00430)
- 13.4 CBE Participation Enterprise (CBE) Participation Form (Specification Section 00435)
- 13.5 Completed and signed Local Small Business Enterprise Preference Program (Specification Section 00438)

- 13.6 Equals (Specification Section 00440), if applicable
- 13.7 Completed and signed Community Business Enterprise Program Sanctions form. (Specification Section 00445)
- 13.8 Completed and Signed Non-Collusion Affidavit Form (Specification Section 00450)
- 13.9 Completed and signed Avoidance of Conflict of Interest Certification, EEO Certification, and Lobbyist Ordinance Affidavit form.
- 13.10 Completed and signed Attestation of Willingness to Consider GAIN/GROW Participation form (Specification Section 00460)
- 13.11 Completed history of past and current contracting with the County over the past three years. (Specification Section 00465)
- 13.12 Completed and signed False Claims form. (Specification Section 00470)
- 13.13 Completed and signed Civil Litigation History form. (Specification Section 00471)
- 13.14 Completed and signed Criminal Conviction (Specification Section 00472)
- 13.15 Completed and signed Debarments form. (Specification Section 00473)
- 13.16 Completed and signed Labor Law/Payroll Violations form. (Specification Section 00474)
- 13.17 Completed and signed Contractor Employee Jury Service Program form from the consultant and entire project team. (Specification Section 00485)
- 13.18 Completed and signed Design-Builder Industrial Safety Record (Specification Section 00490)
- 13.19 Completed and signed IIPP and CSP Affidavit.

(Specification Section 00491)

13.20 Completed and signed Proposer's Organization Question/Affidavit (Specification Section 00492)

Section 14 – CBE Participation

CBE Participation shall include documentation of Proposer's good faith efforts to meet the CBE participation goal specified in Section 4, CBE Participation.

The project-specific combined staffing totals indicated on the CBE Participation form must total the aggregate of the project-specified staff.

Section 15 – Indemnification, Insurance, and Bonds

15.1 Indemnification and Insurance shall include a statement accepting the provisions indicated in Specification Section 00700 & 00800.

15.2 Financial and Bonding Data shall include a completed and signed Bid Bond Form (Specification Section 00410). Also include notarized letter from your surety attesting to the fact that the firm possesses the bonding capacity to obtain bonding necessary to provide the required services.

6

EVALUATION CRITERIA

Public Works reserves the right to waive minor deficiencies and irregularities. Proposals will be evaluated on a best value basis to the County. The Part A rating criteria outlined in Section 1.4.3 and in this section will be used to (a) determine if the Design-Builder has met the minimum qualifications required by the County (b) rank all interested parties and determine the top three (3) proposers according to their scores as evaluated by the Project Evaluation Committee to be invited to submit a response to Part B – Technical and Cost Proposals. Part B rating criteria will be used to select the recommended Design-Builder for the project. (PM to select either description (a) or (b) above to coordinate with Section 1.4.3)

6.1 Part A - Prequalification Questionnaire:

The purpose of this RFP Questionnaire is to provide the Project Evaluation Committee with sufficient information to determine if a Design-Builder is responsible to satisfactorily perform the proposed work. Used in this context, the term Responsible has reference to trustworthiness, as well as quality, fitness, capacity, experience, and ability of the Design-Builder to satisfactorily perform the work.

The Part A submission must be complete, in the correct format, and submitted in accordance with the established schedule. All applicable portions of the attached forms should be completed, with attachments if the space provided is not sufficient. Any submittal failing to clearly present all of the requested information, or failing to be in the format requested, may be considered nonresponsive, and rejected on that basis.

6.1.1 The Pre-qualification questionnaire is comprised of the four (4) parts, as well as a Commitment to Propose statement and an Oath of Truthfulness described below. :

- Part 1: Addresses the technical requirements necessary to meet the minimum baseline qualifications for Design-Build work as set forth by the County.
- Part 2: Design-Builder must agree, that if invited to submit a Part B – Technical & Cost Proposal, they will include signed copies of all County required certifications necessary to provide services to the County.
- Part 3: Addresses the organization, structure and history of the Design-Builder.
- Part 4: Provides the opportunity for the Design-Builder to demonstrate experience with similar types of projects as either a Design Build entity, traditional design- or construction firm, along with a chance to highlight other positive information that the Design-Builder deems beneficial to the project and should be considered by the County.
- Part 5 – Commitment To Propose: The Design-Builder must certify that it will provide a full and complete proposal for the project. The statement is a pass/fail statement, and any proposer that will not verify a commitment to provide a full and complete proposal will not be invited for Part B.
- Part 6 – Oath of Truthfulness: The Contractor and Architect members of the Design-Builder must both declare under penalty of perjury under the laws of the State of California, that

the information provided in this RFP is correct. Additionally, providing false information in this RFP is, in itself, grounds for disqualification.

6.1.2 Part A submittals will be evaluated by the Project Evaluation Committee as follows:

- A "pass/fail" evaluation will be made of each response received for Part 1 to determine whether the Design-Builder has met the minimum essential qualifications. Failure to include all of the mandatory pass/fail requirements may be cause for disqualifying the proposer as nonresponsive.
- Part 2, County required certifications. The Design-Builder must affirm that it will fill out and submit all required County Certifications along with their Part B – Technical and Cost proposals if invited. Failure to confirm a willingness to provide required certifications may be cause for disqualifying the proposer as nonresponsive.
- Proposers that have submitted all required information will be determined to be Responsive to the pre-qualification requirements.
- Questions from the Pre-qualification Questionnaire (Parts 3 and 4) will then be scored and totaled for all proposers that have been determined to be Responsive.
- (a) All proposers that have met the minimum criteria set by the County (b) The **three (3)** highest scored proposers – will then be invited to submit the Part B - Technical and Cost Proposals. (PM to use correct reference here based on Section 1.4.3)

Summary of Evaluation Process:

Part 1 - Essential Requirements for Qualification	Pass / Fail
Part 2 - County required certifications	Pass / Fail
Part 3 - Business History and Organization.	See Exhibit A for scored questions and criteria.
Part 4 – Project Experience History	See Exhibit A for scored questions and criteria.

6.2 Part B-Technical and Cost Proposal: The following is an overview of a generic evaluation process that may be utilized by the County. The specific evaluation process for a project will be compiled by the Department of Public Works and approved by County Counsel prior to issuance of project specific RFP Documents.

6.2.1 **General** – It is County's responsibility to select a Design-Builder through evaluating, in an objective manner, proposals submitted in response to the RFP in order to determine the Best Value for this Project. The basis of this evaluation is a Proposal comprised of technical and cost components. The Proposal, includes but is not limited to those items each Proposer proffers to meet the County's criteria relating to technical design and construction expertise, life cycle cost, skilled labor force availability, safety record, price, and other factors as may be defined by the Project Manager.

6.2.2 **Process** – In order to review and score the Proposals the County shall select a team, the Evaluation Committee, which will be responsible for reviewing and scoring the content of the Proposal(s) and establishing the ranking to determine the Proposals from the most advantageous to the least.

The content of the Proposal(s) shall be reviewed based upon the criteria defined in the RFP. Those Proposals that have not met the Submission Requirements may be deemed as non-responsive and disqualified from further review, scoring, selection, and consideration during the RFP process.

The Evaluation Committee will review all Proposals and assign points to all sections/criteria of the Proposal based upon the criteria outlined in this RFP. When complete all points shall be tallied for each Proposal. The Design-Builders total score will be used to rank the Proposals sequentially from the most advantageous to the least. If

Oral interviews are used, either optional or mandatory, they will be conducted after scoring of the technical and cost proposal.

The list of most advantageous to the least will be presented to the Board of Supervisors with a recommendation regarding the award of the Design-Build Contract.

- 6.2.3 **Non-Responsive Proposals** – Proposals that do not include the required criteria as defined in the RFP, do not submit and/or provide the overall RFP Proposal content required to complete the review and scoring process, or take unacceptable exceptions to the RFP criteria may be deemed as non-responsive and disqualified from further consideration at the discretion of the County.

The County reserves the right to reject any and all proposals or waive any informalities, irregularities, or technicalities in the proposals received or in the proposal review process, if, in its sole judgment, the County determines it to be in the best interests to do so.

- 6.2.4 **Scoring** – Each Proposal will be scored using an assigned points evaluation. Each section of the Proposal will be reviewed and scored for all Proposers. Technical proposals will be evaluated first, and then the cost proposals will be evaluated and assigned points only after all technical components have been scored. When all sections of the Proposal evaluated, scores will then be summarized. The Proposers' total scores for their Proposals will be used to rank and determine the selection of the best value Design-Builder.

(See the example scoring summary below)

The points and weighted values (factors) for the Proposal will be as follows:

Quality Point Scoring Summary	Weighted Points
Technical Design and Construction Expertise (*10% Min.)	100
Life Cycle Cost (*Greater than 15 Years min. - 10% Min.)	100
Skilled Labor Force Availability (*10% Min.)	100
Acceptable Safety Record (*10% Min.)	100

Price (*10% Min.) [note: this item indicates 20% although min is 10%]	200
Design-Build Team Personnel & Organization (example)	100
Delivery Plan (example)	200
Oral Presentations (example – if used)	100
Total Point Max per Evaluator	1,000

* Indicates minimum values required by legislation (PCC 20133)

Exhibit A

Part A

**DESIGN-BUILD
PREQUALIFICATION
QUESTIONNAIRE**

PROJECT NAME
SPECS XXXX; C.P. XXXX

DATE

**LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC WORKS
900 SOUTH FREMONT AVENUE
ALHAMBRA, CA 91803**

CONTACT INFORMATION

PART 1: BASIC REQUIREMENTS FOR PRE-QUALIFICATION

PART 2: LOS ANGELES COUNTY REQUIRED CERTIFICATIONS

PART 3: ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE AND COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

PART 4: RECENT CONSTRUCTION PROJECTS COMPLETED

PART 5: COMMITMENT TO PROPOSE

PART 6: OATH OF TRUTHFULNESS

CONTACT INFORMATION

Firm Name: _____ Check One: ☐ Corporation
(as it appears on license) ☐ Partnership
☐ Sole Prop.
Contact Person: _____ ☐ Joint Venture
☐ Other

Address: _____

Phone: _____ Fax: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s):

Include ***completed*** Prequalification Questionnaire ***for each of the following checked boxes:*** PROJECT MANAGER TO CHECK APPLICABLE BOXES:

- ☐ Architect
- ☐ Structural Engineer
- ☐ Mechanical Engineer
- ☐ Plumbing Engineer
- ☐ Electrical Engineer
- ☐ Civil Engineer
- ☐ Other Engineer(s) _____ (Include each >0.5% of Cost)
- ☐ Excavation Contractor
- ☐ Mechanical Contractor
- ☐ Plumbing Contractor
- ☐ Electrical Contractor
- ☐ Security Contractor
- ☐ Other Contractor(s) _____ (Include each >0.5% of Cost)

NOTE: If proposing firm is a Joint Venture, all members are required to fill out a Prequalification Questionnaire.

NOTE: Each question below is followed by an indication of who needs to respond as follows: Prime only (the Construction contractor member of the Design-Builder); Prime and A/E (the Contractor member of the Design-Builder and the architect and engineers of record); All (the Design-Builder and all named subcontractors).

ESSENTIAL REQUIREMENTS FOR PRE-QUALIFICATION

All questions in this section are Pass/Fail.

The Design-Builder will be immediately disqualified if the answer to any of questions 1.1 through 1.8, including any subparts (i.e., 1.2a, 1.2b, or 1.2c) is "No".

The Design-Builder will be immediately disqualified if the answer to any of questions 1.9, 1.10, 1.11 or 1.12 is "Yes".¹

The County reserves the right to ask for any additional information based on the responses provided, and will use this information, along with any other relevant information, to evaluate whether or not the Design-Builder is responsible to perform the proposed work.

- 1.1 Design-Builder possesses a valid and current California Contractor's license for the project or projects for which it intends to submit a bid. **Prime**
☐ Yes ☐ No
- 1.2 Design-Builder has attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) confirming that the Design-Builder has the capacity to provide the following insurance policies:
- 1.2.a Comprehensive general liability insurance policy specific to the Proposed Project, with a policy limit of at least \$2,000,000 per occurrence, \$4,000,000 aggregate and \$4,000,000 for products/completed operation aggregate. **Prime**
☐ Yes ☐ No
- 1.2.b Professional liability insurance policy specific to the Proposed Project with a policy limit of at least \$2,000,000 per occurrence and \$4,000,000 aggregate for work on a Design-Build Contract. **Prime & A/E**
☐ Yes ☐ No
- 1.2.c Automobile insurance policy specific to the Proposed Project with a policy limit of at least \$2,000,000 per accident. **Prime & A/E**
☐ Yes ☐ No
- 1.3 Design-Builder and all subcontractors have current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq. **All**
☐ Yes ☐ No

¹ A contractor disqualified solely because of a "Yes" answer given to question 1.9, 1.10, or 1.12 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

- 1.4 Have you attached a copy of a reviewed or audited financial statement with accompanying notes and supplemental information for the last three fiscal years.² **Prime only**

☐ Yes ☐ No

NOTE: A financial statement that is neither reviewed nor audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

- 1.5 Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek Prequalification, and (b) the amount of your current available bonding capacity?³ **Prime only**

☐ Yes ☐ No

NOTE: Notarized statement must be from the surety company, not an agent or broker.

- 1.6 Does the Contractor Member of the Design-Builder possess a valid and current license required for the proposed project? **Prime only**

☐ Yes ☐ No

List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm: **All**

- 1.7 Does the Architect Member of the Design-Builder possess a valid and current California Architect's Registration? **A/E**

☐ Yes ☐ No

List all California architect and engineer license numbers, classifications and expiration dates: **All**

² Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is "no more than 25 per cent of the qualifying amount provided in section 14837(d)(1)." As of January 1, 2001, the qualifying amount is \$10 million, and 25 per cent of that amount, therefore, is \$2.5 million.

³ An additional notarized statement from the surety may be requested by the County at the time of submission of a bid, if this prequalification package is submitted more than 60 days prior to submission of the bid.

- 1.8 Has your firm maintained an Experience Modification Rate (EMR) with an average of 1.0 or less for the last three premium years? **Prime only**
☐ Yes ☐ No

NOTE: If the Design-Builder is a joint venture, provide the EMR for every member of the joint venture for each of the last 3 premium years. The combined weighted average EMR of the joint venture has to be 1.00 or less for the 3 most recent premium years.

Attach a copy of your worker's compensation insurance carrier's Experience Modification Rate (EMR) letter for the last three premium years.

Attach a separate sheet for the Design-Builder or each member (as appropriate) indicating the following information:

EMR year 1: _____
EMR year 2: _____
EMR year 3: _____
3 year EMR average: _____

- 1.9 Has your contractor's license been revoked at any time in the last five years? **All**
☐ Yes ☐ No

NOTE: Any proposed subcontractors that have had their contractor's licenses revoked in the last 5 years, will disqualify the Design-Builder.

- 1.10 Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years? **Prime only**
☐ Yes ☐ No

- 1.11 At the time of submitting this prequalification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, by any public entity/agency. **All**
☐ Yes ☐ No

NOTE: If you are currently debarred and the debarment period will end prior to the proposed contract award date, you may answer no to the question and indicate the current debarment beginning and end dates on a separate sheet of paper.

- 1.12 At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract? **All**
☐ Yes ☐ No

PART 2 LOS ANGELES COUNTY REQUIRED CERTIFICATIONS

The Design-Builder must affirm that you have reviewed all County forms listed in this section and agree to fill and attach all forms listed below as part of the Part B – Technical and Cost Proposal. This is a Pass/Fail requirement.

The following questions (2.1 through 2.20) are all Pass / Fail questions

The following County required forms will be completed, signed, and attached to the Part B Technical and Cost Proposals:

☐ Yes ☐ No

2.1 00310 - Best Management Practices Requirements

☐ Yes ☐ No

2.2 00311 - Construction and Demolition Debris Recycling Requirements

☐ Yes ☐ No

2.3 00312 - Insurance Requirements

☐ Yes ☐ No

2.4 00410 - Bid Bond

☐ Yes ☐ No

2.5 00430 - Avoidance of Conflict of Interest

☐ Yes ☐ No

2.6 00435 - CBE Participation Form

☐ Yes ☐ No

2.7 00440 - Equals

☐ Yes ☐ No

2.8 00445 - Community Business Enterprise

☐ Yes ☐ No

2.9 00450 - Non-Collusion Affidavit

☐ Yes ☐ No

2.10 00460 - Gain Participation Affidavit

☐ Yes ☐ No

2.11 00465 - Contracting Participation Affidavit

☐ Yes ☐ No

2.12 00470 - False Claims

☐ Yes ☐ No

- 2.13 00471 - Civil Litigation History
☐ Yes ☐ No
- 2.14 00472 - Criminal Convictions
☐ Yes ☐ No
- 2.15 00473 - Debarments
☐ Yes ☐ No
- 2.16 00474 - Labor Law/Payroll Violations
☐ Yes ☐ No
- 2.17 00485 - Contractor Employee Jury Duty
☐ Yes ☐ No
- 2.18 00490- Contractors Industrial Safety Record
☐ Yes ☐ No
- 2.19 00491 - Injury & Illness Prevention & Code of Safe Practices Affidavit
☐ Yes ☐ No
- 2.20 00492 – Bidders Organization Questionnaire/Affidavit
☐ Yes ☐ No

**PART 3 ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE
AND COMPLIANCE WITH CIVIL AND CRIMINAL LAWS**

Current Organization and Structure of the Design-Builder

3.1 For Firms That Are Corporations:

3.1.a Date incorporated : _____

3.1.b Under the laws of what state: _____

3.1.c Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, and treasurer), or (b) the owner of at least ten percent of the corporation's stock.

Name	Position	Years with Co.	% Ownership

3.1.d Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

Person's Name	Construction Firm	Dates of Person's Participation with Firm

3.1.e If your firm has operated under any other business names and/or business licenses during the last five years, provide those names and licenses below.

Firm Name	License	Years in Operation

3.2 **For Firms That Are Partnerships:**

3.2.a Date of formation: _____

3.2.b Under the laws of what state: _____

3.2.c Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership

3.2.d Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

3.2.e If your firm has operated under any other business names and/or business licenses during the last five years, provide those names and licenses below.

Firm Name	License	Years in Operation

3.3 For Firms That Are Sole Proprietorships:

3.3.a Date of commencement of business. _____

3.3.b Social security number of company owner. _____

3.3.c Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

3.3.d If your firm has operated under any other business names and/or business licenses during the last five years, provide those names and licenses below.

Firm Name	License	Years in Operation

3.4 **For Firms That Intend to Make a Bid as Part of a Joint Venture:**

3.4.a Date of commencement of joint venture. _____

3.4.b Provide all of the following information for each firm that is a member of the joint venture that expects to bid on the project:

Name of firm	% Ownership of Joint Venture

History of the Business and Organizational Performance

This section includes additional questions regarding the business performance. Some questions are for information only; however, Design-Builder may be disqualified if it fails to completely or accurately answer these questions. The County reserves the right to ask for any additional information based on the responses provided, and may use this information, along with any other relevant information, to evaluate whether or not the Design-Builder is responsible to perform the proposed work. Thirty (30) questions in Parts 3 and 4, include scoring criteria that will be used to evaluate the ranking of the candidates.

Please refer to Section 6 (Evaluation Criteria) of the RFP for the overall scoring criteria.

- 3.5 Has there been any change in ownership of the firm at any time during the last three years? **Prime only – Information only**
NOTE: A corporation whose shares are publicly traded is not required to answer this question.
☐ Yes ☐ No If "yes," explain on a separate signed page.
- 3.6 Is the firm a subsidiary, parent, holding company or affiliate of another construction firm? **Prime only – Information only**
NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.
☐ Yes ☐ No If "yes," explain on a separate signed page.
- 3.7 Are any corporate officers, partners or owners connected to any other construction firms? **Prime only – Information only**
NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.
☐ Yes ☐ No If "yes," explain on a separate signed page.
- 3.8 Does your firm have the qualified, experienced key personnel available to work on the proposed project during the indicated time period. The required positions include, but are not limited to Project Executive, Project Manager, Project Engineers, Project Superintendents and Design Architects and Engineers.
Prime and A/E – Information Only
☐ Yes ☐ No

- 3.9 How many years has your organization been in business in California as a contractor under your present business name and license number? **Prime only**

Years in Business _____

3 years or less = 2 points
4 years = 3 points
5 years = 4 points
6 years or more = 5 points

- 3.10 Is your firm currently the debtor in a bankruptcy case? **Prime only**

☐ Yes ☐ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

No = 3 points Yes = 0 points

- 3.11 Was your firm in bankruptcy at any time during the last five years? **Prime only**
(This question refers only to a bankruptcy action that was not described in answer to question 2.9, above)

☐ Yes ☐ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

No = 3 points Yes = 0 points

Licenses

- 3.12 If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the Contractor's State License Board (CSLB) records who meet(s) the experience and examination requirements for each license. **All – Information only**
-
-

- 3.13 Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years? **Prime only**

☐ Yes ☐ No

If "yes" please explain any mitigating circumstances on a separate signed sheet.

No = 5 points Yes = 0 points

- 3.14 Has the Architect Member of the Design-Builder had their California Architect's Registration revoked at any time in the last five years?

☐ Yes ☐ No If "yes," please explain on a separate signed sheet.

No = 5 points Yes = 0 points

- 3.15 Provide a listing of any violations of the Contractors' State License (Chapter 9 commencing with Section 7000 of Division 3 of the Business and Professions Code), including violations related to the payment of wages, benefits, apprenticeship requirements, or personal income tax withholding, or of Federal Insurance Contribution Act (FICA) withholding requirement settled against any member of the Design-Builder. **Information only**

- 3.16 Have you attached a list of names and positions of your firm's RME and/or RMO for the last five years? **Prime only – Information only**

☐ Yes ☐ No

Disputes

- 3.17 At any time in the last five years has your firm been assessed and required to pay liquidated damages of more than 30 days following completion of a project under a construction contract with either a public or private owner? **Prime only**
☐ Yes ☐ No

If "yes", explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

***No projects with liquidated damages of more than 30 days = 5 points.
One project with liquidated damages of more than 30 days = 4 points.
Two projects with liquidated damages of more than 30 days = 3 points
Any other answer: no points***

- 3.18 In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason? **Prime only**
NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.
☐ Yes ☐ No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for prequalification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

No = 5 points Yes = 0 points

- 3.19 In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder? **Prime only**
☐ Yes ☐ No

If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

No = 5 points Yes = 0 points

* * * * *

The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. Also, you may omit reference to all disputes with amounts of less than \$50,000.

- 3.20 In the past five years has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration? **Prime only**
☐ Yes ☐ No

If "yes," on separate signed sheet of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution). **Prime only – Information only**

- 3.21 In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration? **Prime only – Information only**
☐ Yes ☐ No

If "yes," on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

- 3.22 At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private? **Prime & A/E**
☐ Yes ☐ No

If "yes," explain on a separate signed page the amount of each such claim (payment), contract value, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

(question continued on next page)

NOTE: Any payment ranging from 0% to 5% will be counted as 1 claim, any payment in excess of 5% of the contract value will be counted as 2 claims for the scoring of this question. Any payment in excess of 10% of the contract value will be counted as 3 claims for the scoring of this question.

If your firm's average gross revenue for the last three years was less than \$50 million scoring is as follows:

5 points for either "No" indicating no such claim.

3 points for "Yes" indicating 2 such claims.

Subtract five points for "Yes" if more than 3 or more such claims.

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or a "Yes" indicating 1 such claim.

4 points for "Yes" indicating 2 such claims.

3 points for "Yes" indicating up to 4 such claims.

Subtract five points for "Yes" indicating 6 or more such claims.

- 3.23 In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm? **Prime and A/E**

☐ Yes ☐ No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance, the year of the refusal and any justification provided (include copies of this justification). In a separate sheet, explain reason for the denial and provide a copy of the denial letter. The County reserves the right to reinstate points based on the responses provided.

5 points for "No".

4 points for "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" or if more than 2 such instances.

Criminal Matters and Related Civil Suits

- 3.24 Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity? **Prime only**
☐ Yes ☐ No

No = 5 points Yes = subtract 5 points

- 3.25 Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?
Prime and A/E
☐ Yes ☐ No

No = 5 points Yes = subtract 5 points

- 3.26 Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
Prime and A/E
☐ Yes ☐ No

No = 5 points Yes = subtract 5 points

Bonding

- 3.27 Have you attached a notarized letter from your surety identifying the name of the company, name of the agent, address and telephone number, bonding capacity, and bond premium rate for a performance and payment bond for the last three fiscal years? **Prime only – Information only**
☐ Yes ☐ No

Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

- 3.28 Has CAL OSHA cited and assessed penalties against your firm for any “serious,” or “willful” violations, as determined by OSHA, of its safety or health regulations in the past five years? (CAL OSHA Act 1973) **Prime only**

NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ Yes ☐ No

If “yes,” attach a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

If the firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:

- 5 points for “No”.***
- 4 points for “Yes” indicating 1 such instance.***
- 3 points for “Yes” indicating 2 such instances.***
- 0 points for “Yes” if more than 2 such instances.***

If your firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:

- 5 points for either “No” or “Yes” indicating 1, or 2 such instances.***
- 3 points for “Yes” indicating either 3 or 4 such instances.***
- 0 points for “Yes” if more than 4 such instances***

- 3.29 Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years? (OSHA Act 1970) **Prime only**

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If "yes," attach a separate signed page describing each citation.

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No".

4 points for "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, or 2 such instances.

3 points for "Yes" indicating either 3 or 4 such instances.

0 points for "Yes" if more than 4 such instances

- 3.30 Has the Environmental Protection Agency (EPA) or any Air Quality Management District or any Regional Water Quality Control Board or any other environmental regulatory agency cited and assessed penalties of more than \$25,000 against either your firm or the owner of a project as a consequence of your firm's work, in the past five years? **Prime only**

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If "yes" attach a separate signed page describing each citation.

No = 5 points

Yes = 0 points

- 3.31 Do you have a written safety program and is a copy attached? **Prime only**

☐ Yes ☐ No

Yes = 5 points

No = 0 points

- 3.32 Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or State-approved self-insurance? **Prime only**

☐ Yes ☐ No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

5 points for "No"

3 points for "Yes" indicating 1 such instance of no more than 30 days in length.

0 points for any instance greater than 30 days or two or more instances of any length.

Prevailing Wage and Apprenticeship Compliance Record

- 3.33 Has there been more than one instance (1 identified occurrence involving up to 5 employees) during the last five years in which your firm was required to pay penalties for your own firm's failure to comply with the State's prevailing wage laws? **Prime only**

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

☐ Yes ☐ No

If "yes," attach a separate signed page or pages, describing how many instances occurred (each instance is defined as an occurrence involving a maximum of 5 employees; i.e. 1 time with 7 employees would be counted as 2 instances) that resulted in penalties.

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

- 5 points for "No"***
- 4 points for "Yes" indicating 1 such instance.***
- 3 points for "Yes" indicating 2 such instances.***
- 0 points for "Yes" indicating 3 or more such instances.***

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

- 5 points for either "No", or "Yes" indicating 1 such instances,***
- 4 points for "Yes" indicating either 2 such instances***
- 3 points for "Yes" indicating either 3 or 4 such instances.***
- 0 points for "Yes" indicating 5 or more such instances***

- 3.34 During the last five years, has there been more than one instance (1 identified occurrence involving up to 5 employees) in which your own firm has been penalized or required to pay penalties for failure to comply with the Federal Davis-Bacon prevailing wage requirements? **Prime only**
☐ Yes ☐ No

If "yes," attach a separate signed page or pages describing how many instances occurred (each instance is defined as an occurrence involving a maximum of 5 employees; i.e. 1 time with 7 employees would be counted as 2 instances) that resulted in penalties.

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

- 5 points for "No"***
- 4 points for "Yes" indicating 1 such instance.***
- 3 points for "Yes" indicating 2 such instances.***
- 0 points for "Yes" indicating 3 or more such instances.***

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

- 5 points for either "No", or "Yes" indicating 1 such instances,***
- 4 points for "Yes" indicating either 2 such instances***
- 3 points for "Yes" indicating either 3 or 4 such instances.***
- 0 points for "Yes" indicating 5 or more such instances***

- 3.35 Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by the County of Los Angeles?
Prime only

***5 points if at least one approved apprenticeship program is listed.
0 points for any other answer.***

PART 4 RECENT CONSTRUCTION PROJECTS COMPLETED

In this section the County is asking questions relevant to the Design-Builder's qualifications most closely related to the proposed project. Each question includes the scoring criteria.

In Sections 4.1. to 4.3 you are to fill out only the appropriate form that applies to your type of firm. In the case of a partnership, joint venture or any other association created for the performance of the Design-Build project, you are to fill out Sections 4.1 for the Contractor member and 4.2 for the Architect member.

If your firm is an existing legal Design-Builder, you are to fill out Section 4.3. If you are an existing legal Design-Build firm, but cannot demonstrate enough true Design-Build projects as a Design-Build firm to receive the maximum available points (36), then you may utilize forms 4.1 and 4.2 to demonstrate experience as separate design and construction efforts. In no event shall the Design-Builder be allowed to achieve more than thirty-six (36) total points for question 4.1. through 4.3.

Sections 4.4 through 4.11 provide the opportunity to detail the qualifications, reputation, and benefits of using your firm.

- 4.1 **Contractor Member** – Use the following form to provide details for up to three projects in which the contractor member of the Design-Builder within the last five to ten years, held, or was part of a joint venture or other legal entity that held a contract directly with a client or client organization on comparably sized (from 75% to 200% of the proposed project square footage) **PROJECT TYPE** projects as defined in this pre-qualification questionnaire, at least one of which was completed or underway within the last three years.

List up to three additional contracts for comparably sized **PROJECT TYPE** projects completed or underway in the last ten years. Copy and fill in the attached form and label as: Attachment 4.1A, 4.1B, 4.1C, etc.

In the event that the proposer does not have enough projects that fit within the exact parameters of the criteria identified above (from 75% to 200% of the proposed project square footage for a **PROJECT TYPE** building) to achieve the maximum available points (36), the proposer may provide additional information on similar projects which may fall outside the specified criteria. The County reserves the right to consider these other listed projects and assign points to the proposer as the County deems reasonable based on the information provided. If substitute projects are accepted by the County, in no event shall the Design-Builder be allowed to exceed eighty percent (80%) of the available points for these projects.

CONTRACTOR MEMBER

**ATTACHMENT 4.1: COMPARABLY SIZED PROJECT TYPE
PROJECTS**

Project Name:	Original Amount: *	Project Type:
Client Organization:	Final Amount: *	
Project Location:		Contract Type: Competitive Bid Lump Sum <hr/> Negotiated Lump Sum <hr/> Cost Plus <hr/> GMP <hr/> Other (Describe below) <hr/>
Client Contact Name:		Client Contact Telephone:
Client Address:		

In order to qualify for the **PROJECT NAME** project, the original amount may be escalated to current value utilizing annual rates of escalation of three percent until December 31, 2003, and eight percent thereafter. These rates of escalation shall be applied to the Contract value from the date of Contract award.

*** NOTE: If these amounts are price escalated to current value, show escalation computations in Project Description, below.**

Scoring: 5 Points for each qualifying project up to 3 projects (15 points total)
Bonus: 1 additional point for each additional project up to 3 projects (3 points)

Project Description:

- 4.2 **Architect Member** – Use the following form to provide details for up to three projects in which the architect member of the Design-Builder, within the last five to ten years, has been the Architect of Record for design of comparably sized (from 75% to 200% of the proposed project square footage) **PROJECT TYPE projects** as defined in this Pre-qualification questionnaire, at least one of which was completed or underway within the last three years.

List all contracts for comparably sized **PROJECT TYPE** projects completed or underway in the last ten years. Copy and fill in the attached form and label as: Attachment 4.2A, 4.2B, 4.2C, etc.

In the event that the proposer does not have enough projects that fit within the exact parameters of the criteria identified above (from 75% to 200% of the proposed project square footage for a **PROJECT TYPE** building) to achieve the maximum available points (36), the proposer may provide additional information on similar projects which may fall outside the specified criteria. The County reserves the right to consider these other listed projects and assign points to the proposer as the County deems reasonable based on the information provided. If substitute projects are accepted by the County, in no event shall the Design-Builder be allowed to exceed eighty percent (80%) of the available points for these projects.

ARCHITECT MEMBER

ATTACHMENT 4.2: COMPARABLY SIZED PROJECT TYPE PROJECTS

Project Name:	Original Amount: *	Project Type:
Client Organization:	Final Amount: *	
Project Location:		Contract Type: Competitive Bid Lump Sum <hr/> Negotiated Lump Sum <hr/> Cost Plus <hr/> GMP <hr/> Other (Describe below) <hr/>
Client Contact Name:		Client Contact Telephone:
Client Address:		

In order to qualify for the **PROJECT NAME** project, the original amount may be escalated to current value utilizing annual rates of escalation of three percent until December 31, 2003, and eight percent thereafter. These rates of escalation shall be applied to the Contract value from the date of Contract award.

**** NOTE: If these amounts are price escalated to current value, show escalation computations in Project Description, below.***

Scoring: 5 Points for each qualifying project up to 3 projects (15 points total)
Bonus: 1 additional point for each additional project up to 3 projects (3 points)

Project Description:

- 4.3 **Design-Builder** – Use the following form to provide details for up to three projects in which the Design-Builder, within the last ten years, held, or was part of a joint venture or other legal entity that held, a Construction Contract directly with the client or client organization for a comparably sized (from 75% to 200% of the proposed project square footage) Design-Build project, as defined in this pre-qualification questionnaire.

List all contracts for comparably sized Design-Build projects completed or underway in the last five to ten years. Label the attached sheets: Attachment 4.3A, 4.3B, 4.3C, etc.

In the event that the proposer does not have enough projects that fit within the exact parameters of the criteria identified above (from 75% to 200% of the proposed project square footage for a **PROJECT TYPE** building) to achieve the maximum available points (36), the proposer may provide additional information on similar projects which may fall outside the specified criteria. The County reserves the right to consider these other listed projects and assign points to the proposer as the County deems reasonable based on the information provided. If substitute projects are accepted by the County, in no event shall the Design-Builder be allowed to exceed eighty percent (80%) of the available points for these projects.

DESIGN-BUILDER

ATTACHMENT 4.3: COMPARABLY SIZED DESIGN-BUILD PROJECTS

Project Name:	Original Amount: *	Project Type:
Client Organization:	Final Amount: *	
Project Location:	Contract Type: Competitive Bid Lump Sum _____ Negotiated Lump Sum _____ Cost Plus _____ GMP _____ Other (Describe below) _____	
Client Contact Name:	Client Contact Telephone:	
Client Address:		

In order to qualify for the **PROJECT NAME** project, the original amount may be escalated to current value utilizing annual rates of escalation of three percent until December 31, 2003, and eight percent thereafter. These rates of escalation shall be applied to the Contract value from the date of Contract award.

*** NOTE: If these amounts are price escalated to current value, show escalation computations in Project Description, below.**

Scoring: 10 Points for each qualifying project (5 points each for Architectural and Construction portions) - up to 3 projects (30 points total)

Bonus: 2 additional point for each additional project up to 3 projects (6 points)

Project Description:

- 4.4 Has any member of the Design-Builder completed or do you have underway any LEED certified buildings? Please provide details.

☐ Yes ☐ No

Yes = 3 points

No = 0 points

- 4.5 Do you have a LEED Accredited Professional on staff? Provide a list of personnel and their positions

☐ Yes ☐ No

Yes = 3 points

No = 0 points

- 4.6 Describe the experience of the Design-Builder working together as a team.

Maximum 5 points. Evaluation committee will use its discretion to assign appropriate number of points.

- 4.7 Describe what percent of the work performed by either member of the Design-Builder is derived from repeat clients?

NOTE: You should list only clients that exercised a choice in re-hiring your firm.

1 Point if between 35% and 39%

2 Points if between 40% and 44%

3 Points if between 45% and 49%

4 Points if 50% or over

- 4.8 Provide examples of positive relationships with any agencies having jurisdiction that the contractor member of the Design-Builder may have created or maintained in other projects. Explain how this strategy or these relationships may be beneficial to this project. Provide a list of references from entities and agencies, if possible.

NOTE: Explain how these relationships resulted in increased quality, completion ahead of schedule, below budget, additional certification, accommodation, or some other tangible quantifiable direct benefits to the project or the Owner.

Maximum 5 points. Evaluation committee will use its discretion to assign appropriate number of points.

- 4.9 Provide any examples of projects that either member of the Design-Builder has been involved in that contained performance bonuses and explain how this opportunity eventually provided a benefit to the client and your firm.

NOTE: Explain how these bonuses resulted in increased quality, completion ahead of schedule, below budget, additional certification, accommodation, or some other tangible quantifiable direct benefits to the project or the Owner.

Maximum 5 points. Evaluation committee will use its discretion to assign appropriate number of points.

- 4.10 List any other advantages of using your firm/entity.

NOTE: Explain how your firm will provide a benefit or service, which will result in increased quality, early completion, lower budget, certifications, accommodations, or some other tangible quantifiable direct benefit to the project or the Owner.

Maximum 5 points. Evaluation committee will use its discretion to assign appropriate number of points.

PART 5 COMMITMENT TO PROPOSE

If selected as one of the three highest ranked proposers, I certify that I will provide a full and complete proposal for the **PROJECT NAME** project.

Note: This statement is a Pass/Fail statement. Any proposers that will not verify a commitment to provide a full and complete proposal will not be invited to propose during the pre-qualification questionnaire process.

Responsible Design-Builder Representative

Dated: _____

(Signature)

(Company and Position of Signatory)

PART 6 OATH OF TRUTHFULNESS

I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Dated: _____

(Design-Builder's Name)

(Architect/Contractor Member's
Name if separate entities)